



McGoodwin Williams & Yates
Engineering Confidence

May 10, 2013

Rufus Torrence
ADEQ Water Division – Pretreatment Section
5301 Northshore Drive
North Little Rock, AR 72218-5317

RE: Jonesboro Pretreatment Program
MWY Project No. JB-83R

Mr. Torrence,

Please find enclosed one hardcopy and one digital copy on CD of the Final Pretreatment Program for City Water and Light (CWL) of Jonesboro, Arkansas. These documents are being submitted to ADEQ to update the existing approved program on file in accordance with the requirement set out in the 40 CFR 403 Streamlining Rule.

Should you require any additional information or have other comments, questions, or requests please do not hesitate to contact Susan Merideth, CWL Water and Wastewater Superintendent, or myself. Thank you for your assistance with the development and review of this document.

Sincerely,

Jessica Keahey, PE
Project Engineer

jnk
Enclosures

cc: (w/ encl.) Susan Merideth, CWL Water and Wastewater Superintendent
Myra Taylor, CWL Laboratory Supervisor
Adam Saulsbury, CWL Pretreatment & Laboratory Coordinator

cc: (w/o encl.) April Layher, ADEQ Water Division – NPDES Permit Enforcement
Section



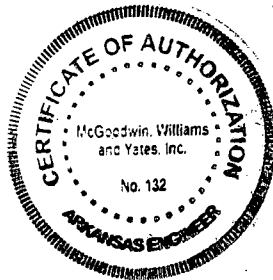
INDUSTRIAL PRETREATMENT PROGRAM

for

JONESBORO, ARKANSAS

NPDES Permit No. AR 0043401 - Eastside WWTP
NPDES Permit No. AR 0037907 - Westside WWTP

Administered by
CITY WATER AND LIGHT



MWY Project No. JB-83R
May 2013



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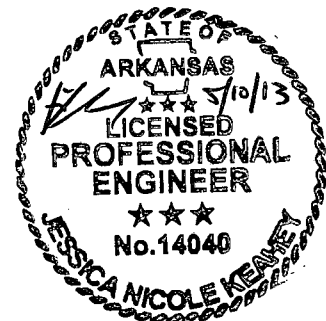


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1.1 PROGRAM DEVELOPMENT AND REVISIONS

The Industrial Pretreatment Program (Program) was originally adopted by the City of Jonesboro (City) and the Board of Directors of City Water and Light of Jonesboro, Arkansas, in November 1983. This document is the latest update of the program.

City Water and Light (CWL) of Jonesboro, Arkansas, is a Publicly Owned Municipal Improvement District, organized and existing under the provisions of Arkansas Code Annotated (ACA) 14-218-101 *et seq.* CWL owns and operates the wastewater utilities in the City of Jonesboro, Arkansas. The Eastside and Westside Wastewater Treatment Plants (WWTPs) serve as the Publicly Owned Treatment Works (POTWs) for the City of Jonesboro.

Since the City adopted the program, CWL, through its Manager, has administered the Industrial Pretreatment Program for Jonesboro to meet the goals of the general pretreatment regulations as described in Section 1.2 of this Program. As set out in Section 5.1 of this Program, an Authorized Representative of the Manager may be appointed or authorized by the Manager to carry out designated responsibilities or functions of the Manger.

The substantial modifications to the original program are as follows: City of Jonesboro Ordinance No. 2120, adopted May 16, 1988, (an amendment to City Ordinance No. 1346, originally adopted November 6, 1972, as amended on July 19, 1982, by Ordinance No. 1807) changed the upper limit on the allowable pH of industrial wastewater discharge to 10.0 S.U. City of Jonesboro Ordinance No. 2264, adopted May 7, 1990, (an amendment to City Ordinance No. 1346, as amended by Ordinance No. 2120) modified local limits and discharge prohibitions and raised civil penalties for violations of the Jonesboro Sewer Use Ordinance (SUO) to a maximum of \$1,000.00 per violation per day. The Board of Directors (Board) of CWL adopted modified Technically Based Local Limits (TBLL), approved by resolution of the Arkansas Department of Environmental Quality (ADEQ), then Arkansas Department of Pollution Control and Ecology (ADPC&E), on October 26, 1993.

Ordinance No. 3126, adopted May 3, 1999, replaced the original SUO 1346 as a new chapter (Title 10, Chapter 10.04) of the Jonesboro Municipal Code. SUO 3126 was modeled after the ***EPA Model Pretreatment Ordinance*** guidance document, published June 1992. Sections on the Purpose and Policy and Administration of the Program were added and prohibited discharges were modified. Additional sections as to the Regulation of Discharges, Pretreatment of Wastewater, Wastewater Discharge Permit Eligibility and the Permit Issuance Process, Reporting Requirements, and Compliance Monitoring were also added. Further provisions, including criminal penalties for SUO violations, were outlined for enforcement actions in the new Administration and Judicial Enforcement Remedies and Supplemental Enforcement Action Sections. Other changes included raising the upper limit of the allowable pH of industrial wastewater discharge to 11.5 S.U. and eliminating the inclusion of numeric local limits of specific constituents to avoid the requirement of future amendments to the SUO in the event that local limit values required revision.

The current Pretreatment Ordinance (PTO) was adopted as Ordinance 12:009 on March 20th, 2012, amending Part 1, Chapter 70, Article III, Division 2, Sewer Use – Pretreatment Ordinance of the Jonesboro Municipal Code and replacing the codified Ordinance No. 3126. Provisions regarding general public sewer use, including the General Sewer Use Requirements section, were removed from the PTO and adopted separately under Ordinance 12:010 on March 20th, 2012. The General Sewer Use Ordinance (GSUO) and an executive summary of the document are included within Appendix E.

The PTO is also included as Appendix E of this document and has been based on the *EPA Model Pretreatment Ordinance* guidance document, published January 2007. Additional revisions reflect all requirements set forth in October 2005 by the “Streamlining Rule”, updating 40 CFR 403. Such changes include but are not limited to the addition of provisions for Best Management Practices (BMPs), conversion of categorical pollutant concentrations to equivalent mass limits, individual and general permits, the specific prohibition of explosive substances, supplementary enforcement actions for late reports, payment of outstanding fees and penalties, administrative fines, and facility closure notification. Changes also include the revision of procedures for sampling of pollutants, slug/spill control evaluations and plans, signatories and certification, excessive pollutant rate formulas and language, and hauled waste requirements. An executive summary and detailed summary of revisions table, including the basis for each major revision for the PTO, is also included within Appendix E.

1.2 PROGRAM GOALS

The purposes of the Industrial Pretreatment Program are to continue to:

- A. Provide a mechanism for preventing the introduction of pollutants into the POTWs which would interfere with the operation of the POTWs;
- B. Prevent the introduction of pollutants into the POTWs which may pass through the POTWs inadequately treated and into the receiving waters, or otherwise be incompatible with the POTWs;
- C. Ensure that the POTW biosolids are in compliance with disposal and usage requirements as set forth by applicable statutes and regulations;
- D. Protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- E. Improve the opportunity to recycle and reclaim wastewater or sludge from the POTWs;
- F. Provide fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTWs;
- G. Enable CWL 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 the POTWs are subject;
- H. Encourage waste minimization, recycling, reuse, and Best Management Practices (BMPs) through pollution prevention activities; and

- I. Incorporate into the program revisions to the General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR 403), published October 14, 2005, a copy of which is included in Appendix A of this document.

All Industrial Users (IUs) are subject to the prohibited discharge standards found in Section 70-87 (1) of the PTO. IUs discharging wastewater into the POTWs may be required by CWL to obtain Industrial Wastewater Discharge Permits (permits). The discharge of specific pollutants into the POTWs by IUs may either be prohibited or regulated in accordance with TBLLs, BMPs, or other measures established by resolution of the Board through the Jonesboro Municipal Code; state and local laws or regulations; or National Pretreatment Regulations and Categorical Standards.

The Industrial Pretreatment Program must be responsive to changes in influent quality and be sufficiently flexible to accommodate the addition of IUs to the POTWs, while continuing to achieve the program goals listed above.

2.1 PROCESS CONFIGURATION

CWL operates two POTW Treatment Plants (POTWs), the Eastside and Westside wastewater treatment plants (WWTPs). The Eastside WWTP was placed in operation in 1987, with effluent discharged to Whiteman Creek; thence to Little Bay Ditch; Ditch Nos. 9, 10, & 23; St. Francis Bay Straight Slough; Straight Slough; St. Francis Bay; and ultimately to the St. Francis River in Segment 5A of the St. Francis River Basin, under authority of NPDES Permit No. AR0043401. The Westside WWTP was placed in operation in 1979, with effluent discharged to an unnamed tributary of Big Creek, thence to Big Creek, Bayou DeView, Cache River, and ultimately the White River in Segment 4B of the White River Basin, under authority of NPDES Permit No. AR0037907. Copies of both NPDES (National Pollutant Discharge Elimination System) permits for these facilities are included in Appendix B of this document.

The Eastside WWTP currently consists of a primary lift station followed by headworks screening, grit and scum removal, activated sludge oxidation ditches for biological treatment, final clarifiers, disinfection by chlorination, dechlorination, and post-aeration processes. Waste activated sludge is drawn from the final clarifiers and aerobically digested to attain the Vector Attraction Reduction required by 40 CFR 503.33 and for Pathogen Reduction and classification as Class B biosolids under 40 CFR 503.32. Stabilized liquid sludge from the aerated sludge storage, thickened to approximately 2% TS (Total Solids), is disposed of by land application by irrigation on CWL property.

The Westside WWTP currently consists of headworks screening, grit and scum removal, primary clarification, first and second stage trickling filters, secondary clarification, disinfection by chlorination, dechlorination, and post-aeration processes. Sludge is concentrated by gravity thickening and vacuum filtration. Ferric chloride is added to the thickened sludge to increase flocculation and enhance the dewatering process. Lime is added to the thickened sludge in the vacuum filtration process in quantities sufficient to attain the Vector Attraction Reduction required by 40 CFR 503.33 and for Pathogen Reduction and classification as Class B biosolids under 40 CFR 503.32. The biosolids are dewatered to approximately 22% TS and disposed of by land application on CWL property.

Waste solids from influent screening and grit removal processes from both facilities are landfilled at the Legacy Landfill, maintained by the Craighead County Solid Waste Disposal Authority.

Wastewater flow schematics of the Eastside and Westside WWTPs are included in Appendix C of this document.

2.2 NPDES PERMIT REQUIREMENTS AND DESIGN PARAMETERS

2.2.1 Eastside WWTP

The Eastside WWTP NPDES permit limits, effective March 1st, 2012 – February 28th, 2017, are as presented in Table 202A below.

Eastside WWTP NPDES Discharge Limits
Table 202 A

Parameter	Mass Loading (lb/day)	Concentration (mg/L)	
	Monthly Average	Monthly Average	7-Day Average
Flow	N/A	Report, MGD	Report, MGD (Daily Max)
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	1,501	20	30
Total Suspended Solids (TSS)	2,252	30	45
Ammonia Nitrogen (NH ₃ -N)			
(April – October)	158	2.1	5.2
(November – March)	443	5.9	10.5
Dissolved Oxygen (DO)			
(May – October)	N/A	5.0 mg/L (Instantaneous Min.)	
(November – April)	N/A	7.0 mg/L (Instantaneous Min.)	
Fecal Coliform Bacteria (FCB)	1000/100 mL	2000/100 mL	
Total Residual Chlorine (TRC)	N/A	<0.1 mg/L (Instantaneous Max.)	
pH	N/A	6.0 S.U. (Min.)	9.0 S.U. (Max.)
Total Phosphorus (TP)	N/A	Report	Report
Nitrate + Nitrite Nitrogen (NO ₃ +NO ₂ -N)	N/A	Report	Report

The Eastside WWTP is currently permitted for a daily average flow of 9.0 MGD. The plant is designed to accommodate the following daily organic pollutant loading:

Eastside WWTP Influent Design Loading
Table 202 B

	Mass Loading (lb/day)	Concentration (mg/L)
BOD ₅	30,000	400
TSS	30,000	400
NH ₃ -N	3,360	45

These design loadings are based on a conservative determination of the facility capacity, with consideration of several facility upgrades which have been made to date since the initial WWTP construction in 1987. CWL has preliminary plans to develop a detailed engineering analysis of the facility capacity.

2.2.2 Westside WWTP

The Westside WWTP NPDES permit limits, effective July 1st, 2011 – June 30th, 2016, are as presented in Table 202 C below.

**Westside WWTP NPDES Discharge Limits
Table 202 C**

Parameter	Mass Loading (lb/day)	Concentration (mg/L)	
	Monthly Average	Monthly Average	7-Day Average
Flow	N/A	Report, MGD	Report, MGD (Daily Max)
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	375.3	15	22.5
Total Suspended Solids (TSS)	500.4	20	30
Ammonia Nitrogen (NH ₃ -N)	100.1	4	6
Dissolved Oxygen (DO)	N/A	5.0 mg/L (Instantaneous Min.)	
Fecal Coliform Bacteria (FCB)	1000/100 mL	2000/100 mL	
Total Residual Chlorine (TRC)	N/A	<0.1 mg/L (Instantaneous Max.)	
pH	N/A	6.0 S.U. (Min.)	9.0 S.U. (Max.)
Total Phosphorus (TP)	N/A	Report	Report
Nitrate + Nitrite Nitrogen (NO ₃ +NO ₂ -N)	N/A	Report	Report
Chlorides	N/A	Report	Report
Total Dissolved Solids (TDS)	N/A	Report	Report
Aluminum, Total Recoverable	N/A	Report	Report

The Westside design daily average flow is 3.0 MGD. The plant is designed to accommodate the following daily organic pollutant loading:

**Westside WWTP Influent Design Loading
Table 202 D**

	Mass Loading (lb/day)	Concentration (mg/L)
BOD ₅	6,880	275
TSS	5,004	200

2.3 WWTP INFLUENT AND EFFLUENT CHARACTERISTICS

2.3.1 Eastside WWTP

The monthly average influent and effluent flows and CBOD₅, TSS, and NH₃ concentrations at the Eastside WWTP for the period of January 2010 through December 2011 may be found in Table 203 below.

Average Eastside WWTP Influent and Effluent Parameters
Table 203

Eastside	Flow (MGD)	CBOD _i (mg/L)	CBOD _e (mg/L)	TSS _i (mg/L)	TSS _e (mg/L)	NH ₃ -N _i (mg/L)	NH ₃ -N _e (mg/L)
Jan-10	7.48	292	<2.7	331	4.4	16.9	0.055
Feb-10	8.18	245	<2.6	272	3.9	15.5	<0.033
Mar-10	7.63	292	<2.6	288	3.9	15.3	0.071
Apr-10	6.96	284	<2.1	272	12.0	20.3	0.119
May-10	7.19	279	<2.1	284	2.9	19.8	<0.102
Jun-10	6.51	313	<2.8	282	5.4	17.7	0.074
Jul-10	6.72	248	<2.5	258	4.1	15.2	0.048
Aug-10	6.48	328	<2.5	340	3.4	14.8	0.045
Sep-10	6.46	299	<2.2	275	3.2	16.2	0.045
Oct-10	5.96	322	<2.8	282	4.9	16.5	0.092
Nov-10	6.26	305	<2.7	278	5.0	17.0	0.072
Dec-10	6.05	330	<2.8	288	4.2	17.3	0.130
Jan-11	5.83	348	<2.8	307	4.7	18.1	0.098
Feb-11	7.17	291	3.9	349	8.7	17.3	0.157
Mar-11	7.75	237	<4.0	235	8.9	14.5	0.162
Apr-11	8.50	<239	<2.7	328	4.5	13.3	0.578
May-11	9.09	<248	<3.2	256	3.5	13.4	<0.395
Jun-11	6.43	353	<2.5	310	2.3	15.7	<0.198
Jul-11	6.25	271	<2.0	278	<1.7	15.1	<0.046
Aug-11	6.62	302	<2.3	336	<1.7	14.6	<0.585
Sep-11	6.20	295	<2.3	209	1.7	17.3	<0.019
Oct-11	6.15	319	<2.1	235	2.3	21.2	<0.073
Nov-11	8.53	255	<3.0	223	4.7	11.8	<0.210
Dec-11	9.21	<224	<4.1	260	12.4	11.0	<0.176
Daily 2010-2011 Average	7.06	289	2.7	282	4.7	16.0	0.152

i = influent *e* = effluent

2.3.2 Westside WWTP

The monthly average influent and effluent flow and CBOD₅, TSS, and NH₃ concentrations of the Westside WWTP for the period of January 2010 through December 2011 are tabulated below.

Average Westside WWTP Influent and Effluent Parameters
Table 204

Westside	Q (MGD)	CBOD _i (mg/L)	CBOD _e (mg/L)	TSS _i (mg/L)	TSS _e (mg/L)	NH ₃ -N _i (mg/L)	NH ₃ -N _e (mg/L)
Jan-10	1.98	<132	8.9	183	9.8	15.3	0.997
Feb-10	2.15	137	8.7	167	6.4	16.9	2.293
Mar-10	1.89	154	9.1	197	7.1	20.1	2.654
Apr-10	1.57	<172	5.7	273	6.4	28.4	0.378
May-10	1.67	173	6.2	210	5.6	28.4	0.302
Jun-10	1.38	199	5.2	232	4.3	25.2	0.290
Jul-10	1.60	<163	3.4	220	2.8	17.6	0.146
Aug-10	1.52	157	>4.9	183	3.2	17.9	0.518
Sep-10	1.35	183	4.4	157	3.6	23.5	0.163
Oct-10	1.15	<141	6.1	122	5.8	21.8	0.331
Nov-10	1.27	<156	>7.6	185	5.2	22.4	0.259
Dec-10	1.28	207	>14.9	305	8.8	22.8	2.979
Jan-11	1.26	192	>16.6	215	8.5	25.4	3.176
Feb-11	1.61	<181	15.6	245	8.3	23.5	1.784
Mar-11	1.72	<124	10.8	204	6.6	23.3	0.374
Apr-11	1.99	<135	11.2	151	9.5	22.3	0.409
May-11	2.38	<126	8.7	154	6.1	20.6	0.190
Jun-11	1.48	141	5.9	182	4.8	24.6	0.393
Jul-11	1.34	154	6.1	170	3.0	20.9	0.486
Aug-11	1.35	<128	4.4	154	3.1	19.4	<0.448
Sep-11	1.23	163	5.2	147	3.6	21.2	<0.066
Oct-11	1.24	143	7.2	220	5.6	22.8	0.187
Nov-11	1.91	169	6.2	185	6.0	14.9	0.244
Dec-11	2.14	152	8.4	218	6.4	12.8	0.168
Daily 2010-2011 Average	1.60	159	8.3	198	6.1	21.9	0.908

i = influent *e* = effluent

2.4 HAULED WASTEWATER

Septic tank wastes have been historically accepted at a designated location at the Westside WWTP. However, hauled septic tank wastes were identified as a significant contributing source of mercury to the Westside WWTP and acceptance of hauled septic tank waste at this location was discontinued in October 2009. However, to assist in transitioning the septic haulers to other disposal sites, CWL accepted septic waste at the effluent of the Nestle Industrial User Pretreatment facility (discharging to the Eastside WWTP) for a brief period after notification of discontinuation of acceptance at the Westside WWTP. CWL also discontinued acceptance of leachate to the POTWs from the Legacy Landfill in February 2010.

Currently, the only hauled waste accepted by CWL is infiltration and condensate from the Strawfloor landfill, a closed facility located in Jonesboro. This hauled waste consists of infiltration at methane monitoring wells and some condensate from the methane capture system and is accepted at the effluent of the Nestle Industrial User Pretreatment facility.

The volume of accepted infiltration and condensate from the Strawfloor landfill was analyzed for the period of January 2010 – December 2011. Fifteen loads were accepted in 2010, and 13 were accepted in 2011. The total annual flow contribution during this period accounted for <0.002% of the total annual flow to the Eastside WWTP and is therefore considered to be negligible. While CWL does not currently accept hauled waste, CWL reserves the right to accept septic tank waste from permitted waste haulers in the future at its sole discretion and on a case-by-case basis, as set forth in Section 70-88 (5) of the PTO.

3.1 SURVEY SOURCES

CWL utilizes the following listed sources for identifying Users of the POTWs that may require regulation under the authority of the Industrial Pretreatment Program for Jonesboro:

- A. CWL's water customer listing, with particular regards to new service accounts;
- B. The Jonesboro telephone directory;
- C. The Jonesboro Area Chamber of Commerce Directory of Manufacturers included in Appendix D; and
- D. The Arkansas Industrial Development Commission's *Directory of Arkansas Manufacturers for Jonesboro*, also included in Appendix D.

3.2 SURVEY PROCEDURE

CWL conducted the most recent survey in December 2011 to identify existing IUs discharging wastewater to the POTWs that may currently require regulation and/or permitting under authority of the Industrial Pretreatment Program for Jonesboro. The recent survey was initiated by CWL by first mailing a one-page survey, which is included in Appendix G, requesting that the survey be completed and returned to CWL within 30 days of receipt. All operating IUs that were contacted in this survey responded within the time period requested. For those IUs that indicated in the one-page survey that process waste was being discharged to the POTW from its facility and where additional information was required to determine if there was reasonable potential the process waste would be subject to regulation, CWL sent an additional detailed questionnaire with instructions by mail. The detailed questionnaire is also included in Appendix G of this document.

If any recipients would have failed to respond to the survey forms, CWL would have followed up by telephone with those recipients to ensure that the recipient had received the survey form and remains cooperative with an apparent intent to complete and return the form. CWL would then have followed with additional mailings to those recipients who failed to respond. Should any User continue to be non-responsive to industrial survey requests, said User may then be served a Notification of Violation (NOV), as described in Section 70-89 (1) of the PTO, followed by appropriate progressive enforcement remedies as provided for in Sections 70-94 through 70-97 of the PTO, including termination of service.

A comprehensive IU Survey, such as the one most recently completed by CWL will be performed at least every five (5) years. This IU survey will include those Users not currently monitored by industrial inspection and, as determined by CWL, which may have reasonable potential to require regulation under authority of the Industrial Pretreatment Program.

3.3 NON-SIGNIFICANT INDUSTRIAL USERS AND POTENTIAL USERS

Customers which are not currently Users but have been identified by CWL as reasonably having the potential to discharge non-domestic waste in the future are also tracked and are listed in Table 303A. These industries indicated on the one-page industrial wastewater survey that either 1) the only wastewater discharged to the POTW from its facility is normal domestic sewage from toilet facilities, showers, drinking fountains, and lavatories; or 2) there is no discharge of sewage from their facility to the POTW. While these industries do not currently fall under the General Pretreatment Regulations, CWL will continue to identify and track these potential Users. Non-Significant Industrial Users identified by the most recent industrial survey are listed in Table 303B of this document. Ongoing examination of these Users and potential Users will be continued to identify any changes in flow, process, or wastewater characteristics. This continued examination will allow CWL to assess if any Non-Significant Industrial User or potential User should be reclassified as a Non-Significant or Significant Industrial User and to ensure compliance with the requirements of the Jonesboro PTO.

The industries listed in Table 303B indicated on the one-page industrial wastewater survey that, in addition to normal domestic sewage, process wastewater associated with their industrial activities is discharged into either the Eastside or Westside POTW Treatment Plant.

Non-Significant Industrial Users permitted under the PTO, along with their associated permit numbers and addresses, are listed in Table 303C. An example Industrial Wastewater Discharge Permit for these Non-Significant Industrial Users is included in Appendix I of this document. Sampling and monitoring for these Non-Significant Industrial Users are in accordance with the counsel set forth in the 2003 ADEQ Pretreatment Audit Recommendations Section.

**Potential Industrial Wastewater System Customers
(Domestic Sewage Only)
Table 303 A**

Industry	SIC No.(s)	Principal Activity
** Alexander's Machine Shop P.O. Box 1925 1201 E. Johnson Ave. Jonesboro, AR 72403-1925	3599	Machine Shop
** Bama Corporation 5904 Krueger Dr. Jonesboro, AR 72401-6820	3535, 3441	Fabricated Metal Products
** Best Manufacturing, Inc. * P.O. Box 6022 204 Best Industrial Dr. Jonesboro, AR 72403-6022	3312, 3479	Steel Fabrication

Industry	SIC No. (s)	Principal Activity
** Crane-Kemlite, Inc. 8500 C.W. Post Rd. Jonesboro, AR 72401-9645	3089	Fiberglass Panels
** Engines, Inc. P.O. Box 16660 5400 C.W. Post Rd. Jonesboro, AR 72403-6701	3621	Diesel Irrigation Power Units
** Fasweet / Aqua Clear P.O. Box 5000 215 N. Culberhouse Jonesboro, AR 72403-5000	2869	Liquid Sweetener & Bottled Water
** Gilbert Industries, Inc. 5611 Krueger Dr. Jonesboro, AR 72401	3499	Metal Insect Traps & Exit Signs
** Habasit Belting 2501 DuPont Dr. Jonesboro, AR 72401-6724	3052, 3496	Conveyor Belting
** JMS Metal Services, Inc. P.O. Box 19248 2801 Commerce Dr. Jonesboro, AR 72402-9248	3443	Steel Processor
** Jonesboro Manufacturing Co. P.O. Box 2608 4900 Krueger Dr. Jonesboro, AR 72402-2608	3452, 3469, 2471, 3479	Metal Stamping
** Jonesboro Tool & Die 2620 Commerce Dr. Jonesboro, AR 72401-9159	3544	Tool & Die
** Kenny Manufacturing Co. 5111 Krueger Dr. Jonesboro, AR 72401-6719	2591	Blind & Shade Manufacturing
** Kroeter, Inc. 5801 Krueger Dr. Jonesboro, AR 72401	3543	Wood & Plastic Patterns
** Master Print Group P.O. Box 16417 5115 E. Highland Dr. Jonesboro, AR 72403	2741, 2752, 2761, 2791	Commercial Printing

Industry	SIC No. (s)	Principal Activity
** N.E.A.T Pressworks P.O. Box 2021 Jonesboro, AR72402-2021	3499	Painted Metal Parts & Plastic Parts
** Nordex USA, Inc. 3100 Nordex Dr. Jonesboro, AR 72401-9611	3612	Wind Turbines
** Robertson Manufacturing 3209 Springwood Dr. Jonesboro, AR 72401	3559	Air Purification Equipment
** Prescription Lens Masters P.O. Box 748 320 S. Church St. Jonesboro, AR 72403-0748	3851	Eye Glasses
** Southern Cast Products, Inc. 5701 Krueger Dr. Jonesboro, AR 72401-6817	3321, 3322, 3365	Aluminum & Steel Casts
** Southern Tool & Die 2802 Commerce Dr. Jonesboro, AR 72401-9158	3544, 3599	Tool & Die

** Not on list for water usage in excess of 750,000 gal/month

* Not on sewer system

**Unpermitted Non-Significant Industrial Users
(Domestic Sewage and Process Wastewater)
Table 303 B**

Industry	SIC No. (s)	Principal Activity
Arkansas Glass Container Corp. P.O. Box 1717 516 W. Johnson Ave. Jonesboro, AR. 72403-1717	3221	Mfg. Glass Containers
** Art Advertising P.O. Box 2395 5617 Krueger Dr. Jonesboro, AR. 72402-2395	2759	Label Printing
** Broadway Ham Company P.O. Box 938 500 N. Culberhouse Jonesboro, AR. 72403-0938	2011	BBQ & Boiled Hams

** Great Dane Trailers LLC 2800 Great Dane Dr. Jonesboro, AR 72401	3715	Semi Trailers
** Signsystems, Inc. P.O. Box 6064 301 Burke St. Jonesboro, AR 72403-6064	3993, 1799, 7699	Sign Manufacture

** Not on list for water usage in excess of 750,000 gal/month

**Permitted Non-Significant Industrial Users
Table 303 C**

Permit Number	Industry Name	Facility Address
9703	Flash Market	2920 E. Highland Dr.
9802	H.P. Global Transportation Service, Inc.	1100 Burke St
9804	Wash and Store	1815 E. Johnson Ave.
9807	Westridge Real Estate	501 S. Gee St.
9813	Silver Star Enterprises, Inc.	1325 S. Caraway Rd.
9815	Jordan's Kwik Stop #29	400 Southwest Dr.
9820	Ryder Truck Rental	4704 Access Rd.
9822	Elephant Car Wash	2305 Caraway Rd.
9823	Wave A Wand	2500 S. Culberhouse Rd.
9826	University Auto Center	1116 E. Johnson Ave.
9903	Russell Curtis Gibson	2110 N. Church St.
10002	Water Magic, LLC	206 N. Main St.
10003	Brett Overman Development, Inc.	4206 E. Johnson Ave.
10101	Avolu	1852 E. Highland Ave.
10202	C & O Wholesale, Inc.	2007 Parker Rd.
10204	Servgas Sudden Service, LLC	3910 S. Caraway Rd.
10301	Equipment Connections	5707 Commerce Sq.
10501	Jonesboro Carwash, LLC	3001 E. Nettleton Ave.
10502	Jonesboro Public Schools	1408 Oakhurst St.
10506	JDML Investments, LLC	3910 Stadium Blvd.
10507	Kemp Childs (Indian Car Wash 2)	3904 S. Caraway Rd.
10701	Gary Meadows Construction Co.	3663 E. Parker Rd.
10703	JDML Investments, LLC	3512 Harrisburg Rd.
10705	TAG Truck Center	5712 Commerce Sq.
10804	Arkansas Highway & Transportation Dept.	3202 Commerce Dr.
10805	Central Chevrolet Co.	2905 Stadium Sq.
10806	Enterprise Rent-A-Car	2800 S. Caraway Rd.
10807	O'Neal Detail	408 Cate St.
10901	United Parcel Service	2915 Industrial Dr.
10902	Copeland & Osment Investments, LLC	3612 Stadium Blvd.

10903	Autowash Partners, LLC	2823 Creek Dr.
10904	Fed-Ex Ground	3400 Moore Dr.
11001	Byrd Bath, Inc.	3103 Prosperity Dr.
11101	City of Jonesboro	2603 Dan Ave.
11102	Hugg& Hall Equipment Co.	2828 Quality Way
11103	Jonesboro Carwash, LLC.	730 Southwest Dr.
11104	Stadium Quick Stop	2925 Stadium Blvd.
11105	Ravindra Sons, Inc.	5711 Commerce Sq.
11201	SCS Environmental Group, LLC	3915 E. Highland Dr.

3.4 INDUSTRIAL USER MAINTENANCE INVENTORY

CWL will continue to update the IU list to identify and characterize new IUs and to document changes in processes and wastewater characteristics discharged by existing Users. As in the past, prior to initiation of sewer service for new non-residential customers, CWL will request that the potential customers that have a reasonable potential to require regulation under this Pretreatment Program complete the Industrial User questionnaire survey. The detailed IU questionnaire is accompanied with instructions and has been included in Appendix G of this document. As per Section 70-107 (3) (C) of the General Sewer Use Ordinance, the document must be completed and returned to CWL within 30 days of receipt but not less than 90 days before the User proposes to discharge wastewater the POTW. If CWL determines that the potential customer will be a SIU, CWL will notify the customer of their status, and the potential customer must complete an application for an Industrial Wastewater Discharge Permit, as further discussed in the section addressing Significant Industrial User Inventory Maintenance below. If CWL determines that the potential customer will be a Non-Significant Industrial User that requires permitting, CWL will notify the customer of their status, and the potential customer must also complete an application for an Industrial Wastewater Discharge Permit.

3.5 SIGNIFICANT INDUSTRIAL USER INVENTORY MAINTENANCE

New SIUs connecting to the POTW and existing Non-Significant IUs which become SIUs will be appropriately regulated by CWL. CWL shall notify any existing IU identified to be an SIU, as defined by Section 70-85 (60) of the PTO, of their new status and requirement to obtain an Industrial Wastewater Discharge Permit. CWL shall provide the User with a permit application package including a letter of notification, a copy of the Jonesboro Pretreatment Ordinance, the schedule of current CWL laboratory charges, and an Industrial Wastewater Permit application form, which includes instruction and a list of National Categorical Standards. The notification letter and permit application with instruction are included in Appendix H of this document.

Existing IUs identified as requiring a permit must make application to CWL within 90 days of notification for an Industrial Wastewater Discharge Permit. Existing IUs shall not be permitted to continue discharging to the POTW after 180 days after notification of the

requirement to obtain a permit, except in accordance with an issued permit. For new IUs connecting to the POTW requiring a permit, the industry must complete and return the Industrial Wastewater Discharge Permit application provided by CWL at least 90 days prior to the anticipated discharge date, unless the 90-day period is otherwise waived by the Manager.

3.6 SIGNIFICANT INDUSTRIAL USERS

Sixteen (16) industrial dischargers to the POTWs are currently identified as SIUs, as defined by Section 70-85 (60) of the PTO. These SIUs have been issued an Industrial Wastewater Discharge Permit and are regulated by the Industrial Pretreatment Program. The current, updated SIU list is presented in Table 306 below.

**Significant Industrial User List
Table 306**

Industrial User	Permit Number	SIC Code
Apex Tool Group, LLC	8409	3469
Butterball, LLC	9101	2013
Colson Caster Corp.	8402	3429
Farr Company	8702	3499
Frito-Lay, Inc.	9702	2096
G & K Services Co.	9701	7218
Hytrol Conveyor Co., Inc.	8413	3535
JK Products & Services	10001	3618
Nestle Prepared Foods	10205	2099
Nice-Pak Products	10811	2844
Post Foods	9302	2043
QG Printing II, Corp.	8414	2752
Riceland Foods	8408	2044
Thomas & Betts	9502	3644
Trinity Lighting	9801	3646
Unilever Manufacturing, Inc.	10801	2844

The following are descriptions of the SIUs, including the products generated and raw materials used at their facilities, waste characteristics, and identification information.

EASTSIDE WWTP

Apex Tool Group, LLC
4800 Krueger Drive
Jonesboro, Arkansas 72401

SIC Code(s) 3469
Discharge Permit No. 8409

Apex Tool Group, LLC is a Categorical SIU classified as a Metal Finisher (40 CFR 433.15) subject to National Categorical Pretreatment Standards and has been permitted by CWL since 1984. Apex manufactures toolboxes used for pickup trucks and construction sites. Processes include stamping, forming, blanking, grinding, welding, parts cleaning, painting, assembling, and packaging. Raw materials include cold rolled steel, corrugated products, liquid paint, and powder coat paint. Non-domestic effluent to the POTW includes process wastewater.

Butterball, LLC
9401 East Highland Drive
Jonesboro, Arkansas 72401

SIC Code(s) 2013
Discharge Permit No. 9101

Butterball is a Non-Categorical SIU classified as a Food Products Industry and has been permitted by CWL since 1991. Butterball manufactures fully-cooked turkey products, packaged in plastic film. Raw materials include raw, boneless turkey. Non-domestic effluent to the POTW includes pretreated process wastewater.

Colson Caster Corporation
3700 Airport Road
Jonesboro, Arkansas 72401

SIC Code(s) 3429
Discharge Permit No. 8402

Colson Caster Corporation is a Categorical SIU classified as a Metal Finisher (40 CFR 433.17) subject to National Categorical Pretreatment Standards and has been permitted by CWL since 1984. Colson Caster processes metal for the manufacturing of casters for industrial and institutional applications. The process includes metal machining, forming, welding, electroplating and assembly. Raw materials include zinc balls, steel, plastics, and rubber. Non-domestic effluent to the POTW includes pretreated process wastewater.

Farr Company
3501 Airport Road
Jonesboro, Arkansas 72401

SIC Code(s) 3499
Discharge Permit No. 8702

Farr Company is a Categorical SIU classified as a Metal Finisher (40 CFR 433.17) subject to National Categorical Pretreatment Standards and has been permitted by CWL since 1987. Farr manufactures air filters and housing

equipment for large capacity filters. The manufacturing process involves welding, iron phosphatizing, assembly, and painting. Raw material includes steel and paper products. Non-domestic effluent to the POTW includes process wastewater.

Frito Lay, Inc.
2810 Quality Way
Jonesboro, Arkansas 72401

SIC Code(s) 2096
Discharge Permit No. 9702

Frito Lay is a Non-Categorical SIU classified as a Food Products Industry and has been permitted by CWL since 1997. Frito Lay manufactures the following snack food products: Cheetos, Doritos, Tostitos, Fritos, Potato Chips, and 3Ds. The process includes a potato flume and peeler, corn cook and soak, corn wash, equipment sanitation, boiler blow down, and general wash down area. Raw materials include raw potatoes, raw corn, and food grade vegetable oil. Non-domestic effluent to the POTW includes pretreated process wastewater. Frito Lay has two water meters installed, which are summed for the calculation of process flow wastewater charges. Wastewater flow is taken as 95% of the sum of potable water metered.

G&K Services Company
3235 East Matthews
Jonesboro, Arkansas 72401

SIC Code(s) 7218
Discharge Permit No. 9701

G&K Services is a Non-Categorical SIU classified as an Auto & Laundries Industry and has been permitted by CWL since 1984. G&K Services launders and distributes rental textile items. Principle products include cleaned uniforms, door mats, shop towels, linens, roll towels, and dust mops. Raw materials include detergent, starch, and bleach. Non-domestic effluent to the POTW includes pretreated process wastewater.

Hytrol Conveyor Company, Inc.
2020 Hytrol Drive
Jonesboro, Arkansas 72401

SIC Codes(s) 3535
Discharge Permit No. 8413

Hytrol Conveyor Company is a Categorical SIU classified as a Metal Finisher (40 CFR 433.17) subject to National Categorical Pretreatment Standards and has been permitted by CWL since 1984. Hytrol produces conveyor systems and gravity flow racks. The manufacturing process consists of a sheet metal shop, machine shop, welding, painting, and assembling operation. Raw materials consist of hot roll steel sheets, tubing, galvanized steel sheets, and cold roll steel shafts. Non-domestic effluent to the POTW includes process wastewater.

JK Products & Services
1 Walter Kratz Drive
Jonesboro, Arkansas 72401

SIC Code(s) 3648
Discharge Permit No. 10001

J&K Products is a Categorical SIU classified as a Metal Finisher (40 CFR 433.17) subject to National Categorical Pretreatment Standards and has been permitted by CWL since 2000. Manufacturing entails metal forming, painting, and assembly in the production of tanning beds. Raw materials consist of steel, plastic, and paint. Non-domestic effluent to the POTW includes process wastewater.

Nestle Prepared Foods
One Nestle Way
Jonesboro, Arkansas 72401

SIC Code(s) 2099
Discharge Permit No. 10205

Nestle Prepared Foods is a Non-Categorical SIU classified as a Food Products Industry and has been permitted by CWL since 2004. Principle products are Banquet and Lean Cuisine frozen entrees. Raw materials include meat, vegetables, flour, and spices. Production processes consist of food manufacturing, steam production, wash down, cleaning, and sanitation. Non-domestic effluent to the POTW includes pretreated process wastewater. Nestle has a wastewater flow meter installed for the calculation of charges based on actual wastewater flow.

Nice-Pak Products
1 Nice Pak Road
Jonesboro, Arkansas 72401

SIC Code(s) 2844
Discharge Permit No. 10811

Nice-Pak Products is a Non-Categorical Industry, classified as an SIU as based on the facility's quaternary ammonia chloride mass loading contribution to the POTW and flow contribution to the POTW and has been permitted by CWL since 2008. Nice-Pak manufactures pre-moistened disposable cloths, such as antibacterial and baby wipes, for household and cosmetic uses. Raw materials include fibered cloth and fragrances. Non-domestic effluent to the POTW includes pretreated process wastewater and reverse-osmosis system wastewater.

Post Foods
5800 C.W. Post Drive
Jonesboro, Arkansas 72401

SIC Code(s) 2043
Discharge Permit No. 9302

Post Foods, formerly Kraft Foods, is a Non-Categorical SIU classified as a Food Products Industry and has been permitted by CWL since 1993. Post manufactures and packages ready-to-eat breakfast cereals and snack crackers. Raw materials consist of raw wheat, rice, and corn grain; liquid sugar; flours; corn syrup; and salt brine. Non-domestic effluent to the POTW includes process wastewater.

QG Printing II Corp.
4708 Krueger Drive
Jonesboro, Arkansas 72401

SIC Code(s) 2752
Discharge Permit No. 8414

QG Printing II Corp. is a Non-Categorical SIU classified as a Printing and Publishing Industry and has been permitted by CWL since 1984. QG Printing II prints by offset process, magazines, periodicals, trade journals, catalogs, and advertising inserts. Raw materials include roll paper and ink. Non-domestic effluent to the POTW includes process wastewater.

Thomas & Betts
5601 E. Highland Drive
Jonesboro, Arkansas 72401

SIC Codes 3644
Discharge Permit No. 9502

Thomas and Betts is a Categorical SIU classified as a Metal Finisher (40 CFR 433.17) subject to National Categorical Pretreatment Standards and has been permitted by CWL since 1995. Thomas and Betts manufacture's electrical fittings. Raw materials consist of steel, steel tubing, and malleable iron. Non-domestic effluent to the POTW includes pretreated process wastewater.

Trinity Lighting
2902 Quality Way
Jonesboro, Arkansas 72401

SIC Codes 3646
Discharge Permit No. 9801

Trinity Lighting is a Categorical SIU classified as a Metal Finisher (40 CFR 433.17) subject to National Categorical Pretreatment Standards and has been permitted by CWL since 1998. Trinity manufactures decorative lighting for the hotel and motel industry. Raw materials consist of hot and cold rolled steel and powder paints. The manufacturing process consists of metal forming, cleaning, and powder painting, along with some hand painting and coating. Non-domestic effluent to the POTW includes process wastewater.

Unilever Manufacturing, Inc.
2407 Quality Way
Jonesboro, Arkansas 72401

SIC Code(s) 2844
Discharge Permit No. 10801

Unilever is a Non-Categorical SIU and has been permitted by CWL since 2008. Unilever manufactures shampoos and conditioners. Raw materials include acids, bases, fragrances, dyes, thickeners, and stabilizers. Non-domestic effluent to the POTW includes process wastewater, reverse osmosis system discharge, residual nitrogen and alcohol wash discharge, chiller blow down, and steam generator condensate. Unilever has a wastewater flow meter installed for the calculation of charges based on actual wastewater flow.

WESTSIDE WWTP

Riceland Foods
216 North Gee Street
Jonesboro, Arkansas 72401

SIC Code(s) 2044
Discharge Permit No. 8408

Riceland Foods is a Non-Categorical SIU classified as a Food Products Industry and has been permitted by CWL since 1984. The primary manufacturing process consists of parboiling rice. Other activities include milling, packaging, and shipping both parboiled and non-parboiled rice. Raw materials consist of rough rice. Non-domestic effluent to the POTW includes pretreated process wastewater. Riceland has a wastewater flow meter installed for the calculation of charges based on actual wastewater flow.

3.7 SIGNIFICANT INDUSTRIAL USER FLOW CONTRIBUTION

EASTSIDE WWTP

The average monthly and daily flows of each SIU and the corresponding contributing flow percentage to the Eastside WWTP from the period of Oct. 2010 - Sept. 2011, as monitored by CWL, is listed in Table 307A below. The Eastside WWTP average influent flow for this period in 2011 was 6.84 MGD.

International Paper, a Non-Categorical SIU permitted as a Paper Products Industry since 1989, closed in October 2010 and no longer discharges to the Eastside WWTP. The wastewater discharge from International Paper has been included in Table 307A, as the industry contributed flow to the POTW briefly during the period evaluated. The total average industrial flow to the Eastside WWTP neglecting International Paper's waste stream contribution would still calculate to be 23.1% of the average POTW influent flow. Therefore, the impact of the industry's closure is expected to be minimal.

Significant Industrial User Flow to the Eastside WWTP
Table 307 A

Industry	Average Monthly Flow (gal/month)	Average Daily Flow (MGD)	Contributing Percent of WWTP Flow (%)
Apex Tool Group, LLC	1,475,942	0.0486	0.71%
Butterball, LLC	4,529,721	0.1490	2.18%
Colson Casters Corp.	274,755	0.0090	0.13%
Farr Co.	142,442	0.0047	0.07%
Frito-Lay, Inc.	12,468,383	0.4101	5.99%
G&K Services	1,190,460	0.0392	0.57%
Hytrol Conveyor Co., Inc.	1,105,792	0.0364	0.53%
JK Products & Services	92,100	0.0030	0.04%

Nestle	11,455,995	0.3768	5.51%
Nice-Pak	1,976,543	0.0650	0.95%
Post Foods	8,340,129	0.2743	4.01%
QG Printing II Corp.	2,130,917	0.0701	1.02%
Thomas & Betts	800,317	0.0263	0.39%
Trinity Lighting	43,733	0.0014	0.02%
Unilever Manufacturing, Inc.	2,091,767	0.0688	1.01%
*International Paper	8,300	0.0003	0.004%
TOTAL	48,127,296	1.58	23.1%

** This SIU no longer contributes to the Eastside WWTP.*

WESTSIDE WWTP

The average monthly and daily flows of each SIU and the corresponding contributing flow percentage to the Westside WWTP from the period of Oct. 2010 - Sept. 2011, as monitored by CWL, is listed in Table 307B below. The Westside WWTP average influent flow for this period in 2011 was 1.50 MGD.

**Significant Industrial User Flow to the Westside WWTP
Table 307 B**

Industry	Average Monthly Flow (gal/month)	Average Daily Flow (MGD)	Contributing Percent of WWTP Flow (%)
Riceland	10,228,150	0.3365	22.4%
TOTAL	10,228,150	0.34	22.4%

4.1 DEMONSTRATION OF LEGAL AUTHORITY

Section 403.8 (f) (1) of the 40 CFR General Pretreatment Regulation, as amended October 14, 2005, requires CWL to operate pursuant to legal authority, enforceable in Federal, State, or local courts. This legal authority authorizes or enables CWL to apply and enforce the requirements of Sections 307 (b), (c) and 402 (b) (8) of the Clean Water Act and any regulations implementing those sections. Such legal authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which CWL is authorized by State Law to enact, enter into, and implement. At a minimum, this legal authority shall enable CWL to carry out the requirements of 40 CFR 403.8 (f) (1) (i-vii).

CWL has developed the legal authority to extend over IUs to which CWL provides service. As confirmed in the CWL's Attorney's letter of opinion, included in Appendix F of this document, CWL has the authority to:

- A. Deny or condition new or increased contributions of pollutants, or changes in the nature thereof, to the POTW by IUs where such contributions exceed Pretreatment Standards and Requirements 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 from each IU to the POTW by permit, order, or other such means to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of SIUs, this control shall be achieved through individual permits or equivalent individual control mechanisms, or at the discretion of CWL through the use of general control mechanisms, issued to each such User. Both individual and general control mechanisms must contain, at a minimum:
 - 1) Statement of duration, in no case more than five (5) years;
 - 2) Statement of non-transferability without, at a minimum, prior notification to CWL and provision of a copy of the existing permit to the new owner or operator;
 - 3) Effluent limits, including BMPs, based on applicable general Pretreatment Standards, Categorical Pretreatment Standards, local limits, and State and local law;
 - 4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants or BMPs to be monitored, sampling location, sampling frequency and sample type, based on general Pretreatment Standards, Categorical Pretreatment Standards, local limits, and State and local law;
 - 5) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable Federal deadlines; and
 - 6) Requirements to control spills/slug discharges, if determined by CWL to be necessary.

- D. Require the development of compliance schedules by IUs for the installation of technology necessary to meet Pretreatment Standards and Requirements and submission of all notices and self-monitoring reports to CWL as are necessary to assess compliance measures;
- E. Carry out all inspection, surveillance, and monitoring procedures necessary to determine, independent of information supplied by IUs, compliance or noncompliance with applicable Pretreatment Standards and Requirements by IUs. Representatives of CWL shall be authorized to enter any premises of any IU in which a discharge source or treatment system is located or in which records are required to be kept to assure compliance with Pretreatment Standards.
- F. Obtain remedies for noncompliance by any IU with any Pretreatment Standard and Requirement. CWL shall be able to seek injunctive relief for noncompliance by IUs with Pretreatment Standards and Requirements. CWL shall also have the authority to seek or assess civil or criminal penalties to IUs in at least an amount of \$1,000 a day for each violation of Pretreatment Standards or Requirements. Such enforceable Pretreatment Requirements 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 CWL; any requirements set forth in control mechanisms issued by CWL; any reporting requirements imposed by CWL; or any regulations set forth in 40 CFR 403. CWL has the authority and procedures to immediately and effectively halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. CWL also has the authority and procedures (including notice to affected IUs with an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present endangerment to the environment or threatens to interfere with the operation of the POTW.
- G. Provide confidentiality when necessary to protect IU's "confidential business information."

4.2 CONCLUSION AND SUPPORTING DOCUMENTS

Therefore, CWL's legal authority allows it to apply and enforce the requirements of Sections 307 (b), (c) and 402 (b) (8) of the Clean Water Act and any regulations implementing those sections, as codified in 40 CFR 403.8 (f) (1) (i-vii). The following documents verify this legal authority and are included in Appendices E and F.

- Jonesboro Municipal Code – Part 1, Chapter 70, Article III, Division 2 – Sewer Use - Pretreatment Ordinance, enacted with an effective date of March 20th, 2012.
- Jonesboro Municipal Code – Part 1, Chapter 70, Article III, Division 3 – General Sewer Use Ordinance, enacted with an effective date of March 20th, 2012.
- City Water and Light Attorney's letter of opinion outlining the legal authorities for enforcement of the Industrial Pretreatment Program for Jonesboro.

5.1 PROGRAM OVERVIEW

CWL has previously developed and continues to implement the following program element procedures, pursuant to 40 CFR 403.8, to assist in the continued implementation of the Industrial Pretreatment Program for Jonesboro:

- A. Identify all possible IUs subject to the POTW Pretreatment Program through the IU survey and permitting process;
- B. Identify the character and volume of pollutants contributed to the POTW by IUs;
- C. Notify IUs of any applicable Pretreatment Standards and applicable requirements;
- D. Receive and analyze IU self-monitoring reports and any other submitted notices, when required by CWL;
- E. Randomly sample and analyze IU effluent through monitoring and inspection activities, when self-monitoring is required;
- F. Evaluate and assess if IUs require a spill/slug discharge plan or other action to control spills and/or slug discharges;
- G. Investigate instance of noncompliance and implement an enforcement response plan; and
- H. Comply with all public participation requirements.

As set out in Section 70-85 (5) of the PTO, an Authorized Representative of the Manager may be appointed or authorized by the Manager to carry out designated responsibilities or functions of the Manager. Therefore, where duties of the Manager are designated herein, an Authorized Representative may carry out the specified responsibilities or functions.

5.2 IDENTIFICATION OF IUs THROUGH SURVEY AND PERMITTING PROCESS

The CWL Pretreatment Coordinator (PC) maintains a current inventory of Users who may potentially, due to changes in the characteristics, quantities, and/or sources of their industrial wastewater, be classified as an SIU as defined by Section 70-85 (60) of the PTO.

CWL's IU inventory has been and will continue to be updated using AS400, an application software program developed in-house and previously approved for use by ADEQ, to assist in identifying any IU that may meet the criteria for classification as an SIU. In addition to computerized tracking, hard copy files of responses to Industrial surveys and questionnaires shall continue to be maintained, along with all available information pertinent to IUs, including but not limited to periodic inspection reports by the PC, water usage records, and newspaper articles.

All SIUs are required to obtain an Individual or General Industrial Wastewater Discharge Permit. The CWL Manager shall notify the SIU of its status and of the requirement to obtain a permit, provided by CWL. The furnished permit package includes a letter of notification; an Industrial Wastewater Discharge Permit application form with instructions; a copy of the Jonesboro Pretreatment Ordinance (ORD 12:009) and General Sewer Use Ordinance (ORD

12:010); the current list of CWL laboratory charges; and a list of National Categorical Standards which may apply to the SIU's wastewater discharge as included within the application form. The notification letter for SIU classification and permit application with instructions are included in Appendix H. The PTO is included as Appendix E, and CWL laboratory charges are set out in Appendix N. The Manager may also require other Industrial Users, including liquid waste haulers, to obtain permits as necessary to carry out the purposes of the PTO.

Existing Users requiring a new permit shall make application to CWL within 90 days after receipt of notification to do so. Prospective Users requiring a new permit shall make application to CWL at least 90 days prior to the date upon which discharge will begin, unless the 90-day period is otherwise waived by the Manager. Existing Users must make application for reissuance of an existing expiring permit a minimum of 60 days prior to the expiration of the existing permit, in accordance with Section 70-89 (9) of the Pretreatment Ordinance. The notification letter for reapplication under an existing permit is included in Appendix H.

The CWL Manager shall evaluate the data furnished by the IU and reserves the right to request additional information. Inaccurate or incomplete applications will not be processed and will be returned to the User for revision. Within 90 days of receipt of all requested information necessary to complete the Permit application, the Manager shall determine whether or not to issue the User a permit. CWL, based on the IU's wastewater discharge characteristics and the most stringent applicable limitations posed by general Pretreatment Standards, Categorical Pretreatment Standards, local limits, and state and local law, shall determine the following:

- 1) Specific permit effluent limitations;
- 2) Monitoring requirements;
- 3) Reporting requirements; and
- 4) Any additional special conditions.

Existing Users shall not cause or allow discharge to the POTW to continue beyond 180 days after receipt of the notification indicating their requirement to obtain a permit, except as in accordance with a permit issued by the Manager. Permits or similar control mechanisms shall contain, at a minimum as set forth in 40 CFR 403.8 (f) (1) (iii), the following conditions:

- 1) Statement of duration, in no case to be more than five (5) years;
- 2) Statement of non-transferability without, at a minimum, prior notification to CWL, approval by the Manager, and provision of a copy of the existing control mechanism to the new owner or operator;
- 3) Effluent limits, including BMPs, based on applicable general Pretreatment Standards, Categorical Pretreatment Standards, local limits, and state and local law;
- 4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants or BMPs to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards, local limits, and state and local law;
- 5) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements and any applicable compliance schedule. Such schedules

may not extend the compliance date beyond applicable federal guidelines. Section 70-96 (2) of the PTO under the statutory authority of Arkansas Code Annotated, § 8-4-103 (g) *et seq.* provides for maximum civil or criminal penalties of one thousand dollars (\$1,000) for each violation by an IU of Pretreatment Standards or Requirements. Each day of a continuing violation may be deemed a separate violation; and

- 6) Requirements to control spills and slug discharges, if determined by CWL to be necessary.

An example Significant Industrial User Wastewater Discharge Permit is included in Appendix I. Permits for SIUs identified as Metal Finishers with activities regulated under 40 CFR 433 have specific Categorical limits as required and set forth by 40 CFR 433. An example Categorical Significant Industrial User Wastewater Discharge Permit for Metal Finishing is included in Appendix I.

Non-Significant Industrial User Wastewater Discharge Permits include requirements for pH, temperature, and FOG. An example Non-Significant Industrial User Wastewater Discharge Permit is also included in Appendix I.

At the discretion of the Manager, General Industrial Wastewater Discharge Permits may be used to control IU discharges to the POTW. To be covered by general permit, the IU must file a written request for coverage in accordance with Section 70-87 (8) (b) and facilities must meet the criteria set forth in Section 70-87 (8) (a) (i-v) of the PTO. The Manager, however, will not issue an IU a general permit where the facility is subject to production-based Categorical Pretreatment Standards or Categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the combined waste stream formula set out in 40 CFR 403.6 (e) and Section 70-87 (2) (c) of the PTO.

The costs to CWL for the administration of the Industrial Pretreatment Program shall be borne by the permitted IUs in part through a permit fee, as provided for by Section 70-100 of the PTO. CWL may additionally assess excessive strength surcharges and capacity charges as provided for in Section 70-99 and described in paragraph 5.3 below, as well as administrative fines established under Section 70-95 (6) of the PTO. Administrative fines may be assessed in an amount not to exceed \$1,000 for each violation, and each day of a continuing violation may be deemed a separate violation in an amount not to exceed \$500 for each day the violation continues. The costs of preparing administrative enforcement actions may also be added to the cost of the fine.

Any person, including the permitted IU, may petition CWL to reconsider the terms of an Industrial Wastewater Discharge Permit within thirty (30) days of the issuance of the permit, as provided for by Section 70-90 (3) of the PTO.

Permits may be modified for reasons listed in 70-90 (4) in the PTO and revoked for those reasons listed in 70-90 (6).

5.3 CHARACTERIZATION OF IU WASTE

Identification of estimated volume and characteristics of both IUs and SIUs are obtained through the User survey and permitting process, as described in Section 5.1 of this document. CWL continuously identifies and assesses the character and volume of pollutants contributed to the POTW by SIUs through monitoring and inspection activities, addressed in further detail in Section 5.6 of this program document. Characterization of excessive strength BOD₅, TSS,

and FOG imposes a surcharge, as set forth in Section 70-99 (1) of the PTO, in addition to the monthly sewer rate. Excessive strength BOD₅ and TSS is defined as concentrations greater than 250 mg/L. Excessive strength FOG is defined as concentrations above 100 mg/L. A capacity charge for excessive strength BOD₅ or TSS may also be incurred, as set forth in Section 70-99 (2) of the PTO.

Waste stream flow is generally estimated as a proportion of the water provided. This proportion is a fixed numeric value listed in the User's permit and as agreed upon by CWL and the SIU, with the exception of Nestle Foods, Unilever, and Riceland. These SIUs employ a flow metering device on their discharge streams for the purpose of calculating fees based on actual flow.

5.4 NOTIFICATION OF REQUIREMENTS TO INDUSTRIAL USERS

The Manager of CWL shall notify all IUs subject to the requirements of the Industrial Pretreatment Program for Jonesboro of any applicable Pretreatment Standards or other requirements under Sections 204 (b) and 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act (RCRA). CWL will rely on information provided at Region VI EPA and ADEQ Pretreatment Seminars and other communications and information provided by EPA, ADEQ, and contract engineering consultants for the promulgation of new regulations affecting the administration of this Pretreatment Program.

The Manager of CWL shall evaluate whether each SIU needs an accidental or slug discharge control plan or other action to control slug discharges. CWL may, in accordance with 40 CFR 403.8 (f) (2) (vi), require any Industrial User to develop, submit for approval, and implement an approved slug/spill control plan or other action to control slug discharges as set forth in 70-88 (3) of the PTO. All SIUs are required to notify CWL immediately of any changes at their facility affecting the potential for a slug discharge.

5.5 INDUSTRY SELF-MONITORING REPORTS AND OTHER NOTICES

While CWL typically performs sampling and analyses for permitted IUs, CWL may require self-monitoring and other reports from IUs as set forth by 40 CFR 403.8 (f) (2) (iv) and 403.12. IUs shall submit such reports directly to the Manager of CWL. Data contained in the reports must be obtained through appropriate sampling and analysis performed during the period covered by the report and must be representative of conditions occurring during the reporting period. 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. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where EPA determines such techniques are inappropriate, sampling and analysis procedures shall be performed by using validated and analytical methods or any other procedures, including procedures suggested by CWL or other parties and approved by EPA or ADEQ. Test methods used for analyses shall meet the Minimum Quantification Level (MQL) required as set forth in *Priority Pollutant Scan Information*, published by ADEQ.

Sample collection shall be as set forth in 70-91 (11) of the PTO. Grab samples must be used for pH, temperature, cyanide, total phenols, oil and grease, sulfides, and volatile organics as

outlined in 40 CFR 403.12 (g) (3-4). For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Manager. Where time-proportional composite sampling or grab sampling is authorized, the samples must be representative of the discharge, with the decision to allow alternative sampling documented in the IU's file. Where grab samples suggest noncompliance, the Manager and/or IU should resample using composite techniques until continued compliance is demonstrated. All analyses shall be performed by a laboratory acceptable by the Manager of CWL.

SIUs required to provide self-monitoring, may be required by CWL to provide the following reports for which detailed requirements are set forth in 40 CFR 403.12 and 70-91 of the PTO:

A. Baseline Report.

This report is required to be submitted by an Existing IU within 180 days after becoming subject to a Categorical Pretreatment Standard. Existing IUs subject to such Categorical Pretreatment Standards shall be required to submit to CWL a report containing all required information, properly completed and certified, outlined in 40 CFR 403.12 (b) (1-7) and as set forth in Section 70-91 (1) (B) (i) (vii) of the PTO. At least 90 days prior to commencement of discharge, New Sources and sources that become Categorical Industrial Users (CIUs) subsequent to the promulgation of an applicable Categorical Standard shall be required to submit to CWL a report containing the information listed in 40 CFR 403.12 (b) (1-5) [also provided in 70-91 (1) (B) (i-v) of the PTO] as well as information on the method of pretreatment intended for use to meet all applicable Pretreatment Standards. If CWL performs the required sampling and analysis in lieu of the IU, the User will not be required to submit the compliance certification required as set forth by 40 CFR 403.12 (b) (6) [also provided in 70-91 (1) (B) (vi) of the PTO]. If CWL collects all the information required for the report including flow data, the IU will not be required to submit the report.

B. Compliance Schedule Progress Report for Meeting Pretreatment Standards.

This report is only required if it is necessary that the SIU provide additional technology, such as pretreatment facilities, to meet requirements of any applicable Pretreatment Standards set forth in their Industrial Wastewater Discharge Permit. If required, this report shall be submitted as set forth in 40 CFR 403.12 (c) (1-3) and Section 70-91 (2) of the PTO, no later than 14 days after scheduled milestone events and the final date of compliance. Such progress reports shall include, at a minimum, whether or not the User complied with the increment of progress and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the IU to return the construction to the schedule established. In no event shall any increment of progress or time lapse between the submissions of progress reports exceed 9 months.

C. Report of Compliance with Categorical Pretreatment Standard Deadline.

If compliance monitoring is performed by CWL and no self-monitoring is required by the Industrial Wastewater Discharge Permit, permitted IUs shall not be required to submit this report. However, in the case that the report is required, it shall be submitted within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards for Existing Users subject to such Standards or following commencement of the introduction of wastewater into the POTW for New Sources. Report requirements for

compliance with a Categorical Pretreatment deadline shall be as set forth in 40 CFR 403.12 (d) and Section 70-91 (3) of the PTO. This report shall include all required information as listed in 40 CFR 403.12 (b) (4-6) [also provided in 70-91 (1) (B) (iv-vi) of the PTO].

D. Periodic Compliance Reports.

If compliance monitoring is performed by CWL and no self-monitoring is required by the User's permit, the IU shall not be required to submit this report. If self-monitoring is required by the permit, continued compliance reports shall be submitted by the permitted IU at the frequency set forth in the permit. The report shall indicate the nature and concentration of pollutants in the effluent which are limited by applicable Categorical Pretreatment Standards, as well as measured or estimated average and maximum daily flows, at a minimum, and documentation as required to certify compliance with BMPs. If an IU monitors any regulated pollutant at the appropriate sampling location more frequently than required using adequately prescribed procedures and at the appropriate sampling location, the results must also be included in the report. Report requirements shall be as set forth in 40 CFR 403.12 (e) (1-5) and Section 70-91 (4) of the PTO.

E. Notification of Changed Discharge Conditions.

All IUs shall promptly notify the Manager of CWL in advance of any planned substantial changes 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) which might alter the volume, nature, or quality of its wastewater, at least 60 days before the change. Further requirements are as set forth in 70-91 (5) of the PTO.

F. Notice of Potential Problems, Including Slug Loading (Spill).

All IUs are required to immediately notify CWL of all discharges that could cause problems to the POTW including, but not limited to: accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; a slug load, as defined by Section 70-85 (61) of the PTO; or any other discharge which may cause potential problems to the POTW, as set forth in 70-91 (6) of the PTO. It is the responsibility of the IU to immediately telephone and notify the Manager of CWL of the incident. The notification shall include specific details of the incident, if known, and any corrective actions taken by the IU.

Within five (5) days of the event, unless waived by the Manager, the IU shall submit a detailed written report to CWL describing the cause of the discharge and any measures taken to prevent similar future occurrences.

G. Report for IUs Not Subject to Categorical Pretreatment Standards.

CWL must require appropriate reporting from IUs not subject to Categorical Pretreatment Standards. Significant Non-Categorical IUs must submit to CWL at least every 6 months, as prescribed by CWL, a description of the nature, concentration, and flow of the pollutants required to be reported, as well as documentation as required to certify compliance with BMPs. The sampling and analysis may be performed by CWL in lieu of the Significant Non-Categorical IU.

All Industrial Wastewater Discharge Permit applications and User reports shall contain the certification statement set forth in Section 70-91 (14) of the PTO and be properly

signed by an Authorized or Duly Approved Representative of the IU, as defined in Section 70-85 (4) of the PTO.

IUs subject to the above reporting requirements shall maintain records of all information resulting from any monitoring activity, including documentation associated with BMPs, for a minimum of 3 years and shall make such records available for inspection and copying by CWL. This period of retention shall be extended during the course of any unresolved litigation regarding the IU or when requested by CWL.

At the request of an IU, information and data pertaining to the IU obtained from reports, surveys, questionnaires, wastewater discharge permit applications, wastewater discharge permits, monitoring programs, or from CWL's inspection and sampling activities which would divulge methods or processes entitled to protection as trade secrets will, as provided for in Section 70-93 of the PTO and insofar as possible under the provisions of 40 CFR Part 2, be held confidential by CWL. When requested and demonstrated by the Industrial User that such information should be held confidential, that information or data which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or Pretreatment Program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

5.6 MONITORING AND INSPECTION ACTIVITIES

CWL shall endeavor to locate and identify all IUs which might meet the criteria for classification as an SIU, as defined by Section 70-85 (60) of the PTO, and therefore be subject to regulation under the Pretreatment Program though an Industrial Wastewater Discharge Permit. An ongoing evaluation of existing non-residential, non-permitted Users discharging process wastewater to the POTW potentially requiring regulation will be continued by CWL to ascertain the quality of wastewaters discharged by these non-permitted Users and to determine if these Users require permitting.

Users permitted under the provisions of this program shall be monitored by CWL to determine compliance with their Industrial Wastewater Discharge Permit. Users that discharge excessive strength BOD₅ or TSS (above 250 mg/L) may be assessed a surcharge and capacity charge as set forth in Section 70-99 of the PTO. Users that discharge excessive strength FOG (above 100 mg/L) may be assessed a surcharge as provided for in Section 70-99 of the PTO. The frequency of monitoring and reporting shall be specified in the permit, but in no case shall be less than twice per year for SIUs. The frequency of monitoring and reporting of a permitted Non-Significant Industrial Users shall be at the discretion of the Manager. If the Industrial Wastewater Discharge Permit requires self-monitoring, CWL shall perform compliance monitoring through sampling and analysis of the SIU's effluent at least once a year.

CWL compliance monitoring activities shall document all data required by 40 CFR 403.12 related to 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, CWL shall inspect each SIU at least once a year. CWL will document the results of these industrial inspections by completing an Annual Pretreatment Industrial Inspection Report, included as Appendix J.

All sampling, analyses, and collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings and in judicial actions.

All sampling and analyses shall be performed in accordance with the techniques prescribed in 70-91 (10) and (11) of the PTO. Laboratory Chain of Custody and procedure documents included in Appendix K, should be utilized to document the validity of compliance monitoring results.

5.7 ASSESSMENT FOR SPILL/SLUG DISCHARGE EVALUATION

Existing SIUs have been evaluated by CWL for need of an approved spill/slug control plan or other action to control spills and slug discharges. New SIUs shall be evaluated within one (1) year of being designated as an SIU. SIUs are required to notify CWL immediately of any changes at their facility affecting potential for a spill or slug discharge.

If CWL decides such a spill/slug control plan is required, the plan or other action to control spills and slug discharges shall contain, at a minimum, the following elements:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying CWL of spills or slug 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 5 days;
- D. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and worker training, building and containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment necessary for emergency response.

5.8 BEST MANAGEMENT PRACTICES

As defined in Section 70-85 (6) of the PTO, Best Management Practices (BMPs) are schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions set forth in 40 CFR 403.5 (a) (1) and listed in Section 70-87 (1-3) of the PTO. BMPs may include treatment requirements, operating procedures, and practices to control plant site runoff, spillage, leaks, sludge or waste disposal, or drainage from raw materials storage.

In accordance with Section 70-87 (3) of the PTO, the Manager may develop BMPs for inclusion in individual or general wastewater discharge permits to implement specific pollutant limitations. BMPs may also be promulgated in Categorical Pretreatment Standards and set forth as requirements for Users subject to those Standards. BMPs shall be considered Local Limits and Pretreatment Standards and are included as an Appendix to the User's permit. Violation of BMPs which the Manager determines will adversely affect the operation or implementation of the local pretreatment program or have alone or in combination with other discharges caused interference or pass through (including endangering the health of CWL personnel and/or the general public) places an IU in Significant Noncompliance, as defined in Section 70-94 of the PTO.

5.9 INVESTIGATION OF NONCOMPLIANCE

The results of compliance self monitoring reports, analysis, inspection, and surveillance activities shall be analyzed by CWL to determine the SIU's compliance status. If analyses indicate a violation, CWL may require the User to perform supplemental sampling and analyses and submit the results of the repeated follow-up analyses to CWL within 30 days of becoming aware of the violation. However, if CWL is performing compliance monitoring in lieu of the IU, CWL will repeat the sampling and analyses as soon as is practicable, but in no case later than 30 days of becoming aware of the violation, unless it notifies the User of the violation and requires the User to perform the repeat analysis. Re-sampling is not required if:

- 1) CWL regularly performs compliance sampling and analyses for the parameters in violation at least once per month; or
- 2) Subsequent regularly scheduled sampling and analyses by CWL has been performed between the time initial sampling was conducted which indicated a violation and the receipt of the results of the sampling. Samples taken and analyses conducted, as well as the collection of other necessary information, shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions.

5.10 COMPLIANCE WITH PUBLIC PARTICIPATION

CWL shall comply with all public participation requirements of 40 CFR Part 14 in the enforcement of National Pretreatment Standards. These requirements are further covered in Section 7 of this document.

6.1 ENFORCEMENT OF VIOLATIONS

All violations of the Industrial Pretreatment Program shall be met with an enforcement response. The purpose of this flexible plan is to provide guidance to the persons responsible for the administration and enforcement of this Program in determining appropriate investigative and enforcement responses to violations. Responsibilities of CWL personnel are discussed in Section 8. Figure 801 in Section 8 of this document shows the CWL Organizational Chart for the administration of the Pretreatment Program for Jonesboro.

CWL has developed an enforcement response plan (ERP) to assist the responsible individuals and entities [including the Pretreatment & Laboratory Coordinator (PC), Laboratory Supervisor (LS), Water and Wastewater Treatment Superintendent (WWTS), General Operations Director (Director), Manager, Board, and CWL Attorney] in selecting the appropriate enforcement(s) to meet the following range of violations:

- A. Administrative violations or an unauthorized discharge such as an unpermitted discharge for which the IU was unaware of requirement, failure to apply for a permit when informed of the requirement to do so, or failure to apply for renewal of an existing permit.
Permit or discharge limit violations are not considered to be an unauthorized discharge;
- B. An isolated or recurring discharge limit violation, such as exceedance of a Pretreatment Standard;
- C. Reporting violations, such as omitting proper signatory or certification requirements, late submittals, failure to submit required reports including notification of spill or changed discharged, and falsification of reports;
- D. Monitoring violations, such as failure to monitor all permit parameters or monitoring not in accordance with 40 CFR 136, recurring failure to monitor correctly, failure to install monitoring equipment required by CWL, tampering with monitoring equipment, and falsifying monitoring information;
- E. Violation of compliance schedules, such as failure to meet a compliance milestone or late report, failure to report, refusal to comply, and reporting false information; and
- F. Other permit violations or violations discovered during inspections and/or investigations, such as dilution of wastestream, failure to mitigate noncompliance or observe suspension, denial of entry or access, inadequate recordkeeping, and failure to report additional monitoring.

6.2 INVESTIGATIONS OF AND RESPONSE TO VIOLATIONS

All elements of the Industrial Pretreatment Program, including responses, actions, and reporting requirements, shall be performed within the prescribed period of time. Therefore, in order to be complete and enforceable, all notifications of requirements and requests for responses, actions, or reports must clearly indicate an acceptable period for CWL's receipt of

the IU's response. In addition, all notifications for requirements and requests for responses, actions, or reports shall be delivered by a conveyance resulting in documentation of "Proof of Delivery," such as Certified U. S. Mail with return receipt requested or another conveyance which will furnish hard copy "Proof of Delivery". All findings from investigations conducted into the matter of indicated or alleged violations shall be performed primarily by the PC and sufficiently documented in order to be considered as admissible evidence in a court of competent jurisdiction.

All investigations conducted by the PC shall be completed and the appropriate enforcement response initiated within the period of time prescribed for the various violations listed below.

The PC shall keep the LS, WWTS, Director, and Manager informed of chronically-recurring violations and recommend appropriate enforcement as prescribed in the ERP, included as Appendix L herein, commensurate with damages which may or may not have been caused to the POTW or the environment by any type of the following violations:

A. Administrative Violations and Unauthorized Discharges.

Investigation into an administrative violation should first confirm that the IU was properly notified of the program requirement in apparent violation. Such requirement violations include failure of an IU to respond to a request for response to an industrial survey; a prohibited discharge, as identified by Section 70-87 of the PTO, by a non-permitted IU who may or may not be aware of the prohibition; and failure to apply for a permit or a permit renewal.

The PC shall conclude investigation of the apparent administrative violation and initiate the appropriate enforcement response.

The PC shall log notifications of program requirements and track responses utilizing computer software referenced in Section 5.2 of this document. In addition to computerized tracking, hard copy files of responses and "Proof of Deliveries" shall also be maintained.

The PC shall maintain documentation of follow-up phone calls or personal communication with IUs notified of the particular program requirements which they are required to meet.

B. Permit or Discharge Limit Violations.

Results from compliance monitoring performed by CWL shall be analyzed by the PC, with appropriate enforcement response initiated.

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

The PC's investigation shall document any damage to the POTW or environment which may likely have resulted from the violation.

The indicated violation shall be tracked by the PC until follow-up results from repeat sampling and analyses indicate compliance.

If the PC's investigation of a discharge or permit limit violation provides documentation of reasonable proof that the violation caused damage to the POTW or environment, the investigation may then, through the LS, WWTS, Director, Manager, and Board, be

referred to the CWL Attorney for civil action to recover damages under the provisions of Section 70-96 (2) of the PTO under the statutory authority of Arkansas Code Annotated, § 8-4-103 (g) *et seq.*

C. Reporting Violations.

The PC shall log due dates and required content of all IU reports and track responses with the computer software referenced in Section 5.2 of this document. In addition to computerized tracking, hard copy files of responses and "Proof of Deliveries" of all notifications shall also be maintained.

The PC shall conclude the investigation of apparent reporting violations and initiate appropriate enforcement response.

The PC shall maintain documentation of follow-up phone calls or personal communication with IUs notified of the particular reporting requirements with which they are required to comply.

Investigation by the PC into reporting violations shall include documentation of any recurrence or chronic disregard for punctuality in submitting required reports or total disregard of the requirement for the submittal of reports.

Additionally, investigation by the PC into reporting violations shall include documentation of any damage to the POTW or environment which may have been the result of such violation. If the PC's investigation of a reporting violation should provide documentation of reasonable proof that the violation caused damage to the POTW or environment or provides reasonable proof of "falsification" or "intent", the investigation may then, through the LS, WWTS, Director, Manager, and Board, be referred to the CWL Attorney and/or the City of Jonesboro Prosecutor either to recover damages through civil action or for criminal investigation and prosecution under the provisions of Section 70-96 (2) of the PTO under the statutory authority of Arkansas Code Annotated, § 8-4-103 (g) *et seq.*

D. Monitoring Violations.

The PC shall log and track compliance monitoring of all IU permit monitoring requirements, parameters, and required sampling and analyses methods prescribed by 40 CFR 136, utilizing the computer software referenced in Section 5.2 of this document. In addition to computerized tracking, hard copy files of all compliance monitoring reports shall be maintained.

CWL normally conducts compliance monitoring. However, where an IU's permit requires compliance self-monitoring, the IU is required to notify the PC within 24 hours of becoming aware of a permit violation. The IU shall repeat the sampling and analysis and submit the results of the repeat analyses to the PC within 30 days after becoming aware of the violation, unless otherwise notified. The PC shall document confirmation if the IU has notified the PC of the indication of violation and initiated repeat sampling and analyses. If CWL has performed the sampling and analysis in lieu of the IU, then CWL shall perform the repeat sampling and analysis within 30 days after becoming aware of the violation, unless it notifies the IU of the violation and requires the IU to perform the repeat analysis.

The PC shall document any failure of the IU to provide notification of indicated violations and repeat sampling and analyses by issuing a written NOV to the IU, citing them for Permit Violation, as set forth in Part II - Monitoring Requirements of the Industrial Wastewater Discharge Permit, in compliance with 40 CFR 403.12 (g) (2).

Investigation by the PC into improper monitoring or analysis by IUs shall document any recurrence or chronic disregard for proper sampling and analysis methods.

In addition, investigation by the PC into monitoring violations shall document any damage to the POTW or environment which may have been the result of such violation. If investigation of a monitoring violation provides documentation of reasonable proof that the violation caused damage to the POTW or environment or provides reasonable proof of "falsification" or "intent", the investigation may then, through the LS, WWTS, Director, Manager, and Board, be referred to the CWL Attorney and/or the City of Jonesboro Prosecutor either to recover damages through civil action or for criminal investigation and prosecution under the provisions of Section 70-96 (2) of the PTO under the statutory authority of Arkansas Code Annotated, § 8-4-103 (g) *et seq.*

E. Compliance Schedules Violations.

The PC shall log due dates and required content of all scheduled milestone compliance reports and compliance schedule responses utilizing the computer software referenced in Section 5.2 of this document. In addition to computerized tracking, hard copy files of responses and "Proof or Deliveries" of all notifications shall also be maintained.

The PC shall conclude investigation into apparent compliance schedule violations and initiate or recommend to the LS, WWTS, Director, and Manager the appropriate enforcement response within 30 days of the discovery of the violation.

The PC shall also maintain documentation of follow-up phone calls or personal communication 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 shall document any recurrence and chronic disregard for punctuality in complying with scheduled milestone and final compliance.

In addition, investigation by the PC into compliance schedule violations shall document any damage to the POTW or environment which may have been the result of such violation. If investigation of a compliance schedule violation provides documentation of reasonable proof that the violation caused damage to the POTW or the environment or provides reasonable proof of "falsification" or "intent", the investigation may then, through the LS, WWTS, Director, Manager, and Board, be referred to the CWL Attorney and/or the City of Jonesboro Prosecutor either to recover damages through civil action or for criminal investigation and prosecution under the provisions of Section 70-96 (2) of the PTO under the statutory authority of Arkansas Code Annotated, § 8-4-103 (g) *et seq.*

F. Other Permit Violations including Violations Discovered During Inspections and/or Investigations.

Investigations into any other permit violations, including violations discovered during

inspections and/or investigations, shall first determine if the IU was notified of the requirement and if there is reasonable proof as to whether or not the IU had or should have had knowledge of the requirement.

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

The PC shall conclude investigation of such apparent violations and initiate or recommend to the LS, WWTS, Director, and Manager the appropriate enforcement response within 30 days of the discovery of the violation.

The PC's investigation shall document any damage to the POTW or environment which may likely have been the result of the violation. If investigation of violation provides documentation of reasonable proof that the violation caused damage to the POTW or environment or provides reasonable proof of "falsification" or "intent", the investigation may then, through the LS, WWTS, Director, Manager, and Board, be referred to the CWL Attorney and/or the City of Jonesboro Prosecutor to either recover damages through civil action or for criminal investigation and prosecution under the provisions of Section 70-96 (2) of the PTO under the statutory authority of Arkansas Code Annotated, § 8-4-103 (g) *et seq.*

6.3 ENFORCEMENT RESPONSE PLAN

All instances of IU noncompliance shall be met with some response by CWL. However, the type and severity of the selected response shall remain to be determined on a case-by-case basis by CWL. All formal responses to noncompliance such as administrative orders, civil actions, or criminal prosecution must be expressly authorized by State or local law. Monetary punitive penalties sought from an IU by CWL for noncompliance, either by civil action or criminal prosecution, may be determined in accordance with EPA's September 30, 1999, *Guidance on Calculating the Economic Benefit of Noncompliance by Federal Agencies*.

The current Enforcement Response Plan is included as Appendix L of this document.

7.1 PUBLIC PARTICIPATION

The public participation activities of CWL in the administration of the Industrial Pretreatment Program for Jonesboro shall conform to the requirements of 40 CFR 403.

In addition to required solicitation of public comment regarding legislation affecting Industrial Pretreatment and Industrial Pretreatment Program modifications, CWL shall provide the local publication of incidences of Significant Noncompliance and provide Annual POTW (Pretreatment Program Status Report) reports for public information:

Permit Appeals

Any person, including the Industrial User (IU), may petition the Board to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance as per Section 70-90 (3) of the PTO.

Notice of Significant Non-Compliance

CWL shall continually assess for incidences of Significant Noncompliance, as defined by Section 70-94 of the PTO and 40 CFR 403.8 (f) (2) (viii). IUs in significant noncompliance will annually be reported to ADEQ, the Approval Authority for CWL, and published in a daily newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW.

7.2 ANNUAL POTW REPORTS

In compliance with 40 CFR 403.12 (i), CWL shall provide ADEQ with a report that describes CWL's program activities. The report shall be submitted annually and shall include, at a minimum, the following:

- (1) An updated list of IUs discharging to the POTWs, including names and addresses, or a list of any deletions or additions referenced to a previous submission with a brief explanation of each deletion. 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, if any, are subject to local Standards that are more stringent than the Categorical Pretreatment Standards. CWL shall also list the IUs that are subject only to local Requirements.
- (2) A summary of the status of all IU compliance over the reporting period;
- (3) A summary of compliance and enforcement activities, including inspections, conducted by CWL during the reporting period;
- (4) A summary of changes to CWL's Pretreatment Program that have not been previously reported to ADEQ; and
- (5) Any other relevant information requested by ADEQ.

8.1 PERSONNEL

CWL is a Publicly Owned Entity, organized and existing under the provisions of ACA 14-218-101 *et seq.*, as a consolidated Municipal Improvement District. CWL owns and operates the wastewater utilities in the City of Jonesboro, Arkansas. Therefore, CWL is responsible for implementation of the Industrial Pretreatment Program for Jonesboro, Arkansas.

Section 70-84 (2) of the PTO provides that CWL, through its designated Manager, shall administer, implement, and enforce the provisions of Part 1, Chapter 70, Article III, Division 2, Sewer Use – Pretreatment Ordinance of the Jonesboro Municipal Code. Section 70-84 (2) also provides that any powers granted to or duties imposed upon the Manager may be delegated by the Manager to other CWL personnel.

A graphical representative of the CWL organizational structure is shown in Figure 801. The Manager, representing CWL, manages and administers the program and provides policy for the direction of and cooperation between CWL and the IUs.

The implementation of the Pretreatment Program for Jonesboro is under the principal supervision of the CWL Water and Wastewater Treatment Superintendent. The CWL Water and Wastewater Treatment Superintendent assesses staffing, equipment, and budgetary needs of the program and provides direction to the Laboratory Supervisor, Pretreatment & Laboratory Coordinator, CWL laboratory staff, and contract laboratories, as required.

A further breakdown of program personnel and duties are as follows:

A. Board of Directors (Board).

The CWL Board of Directors has the final responsibility for the administration of the Industrial Pretreatment Program for Jonesboro. Therefore, the Board has the responsibility to authorize any judicial enforcement remedy taken by CWL against any IU under the provisions of ACA 8-4-103 (g) *et seq.* and Section 70-96 of the PTO.

B. Manager.

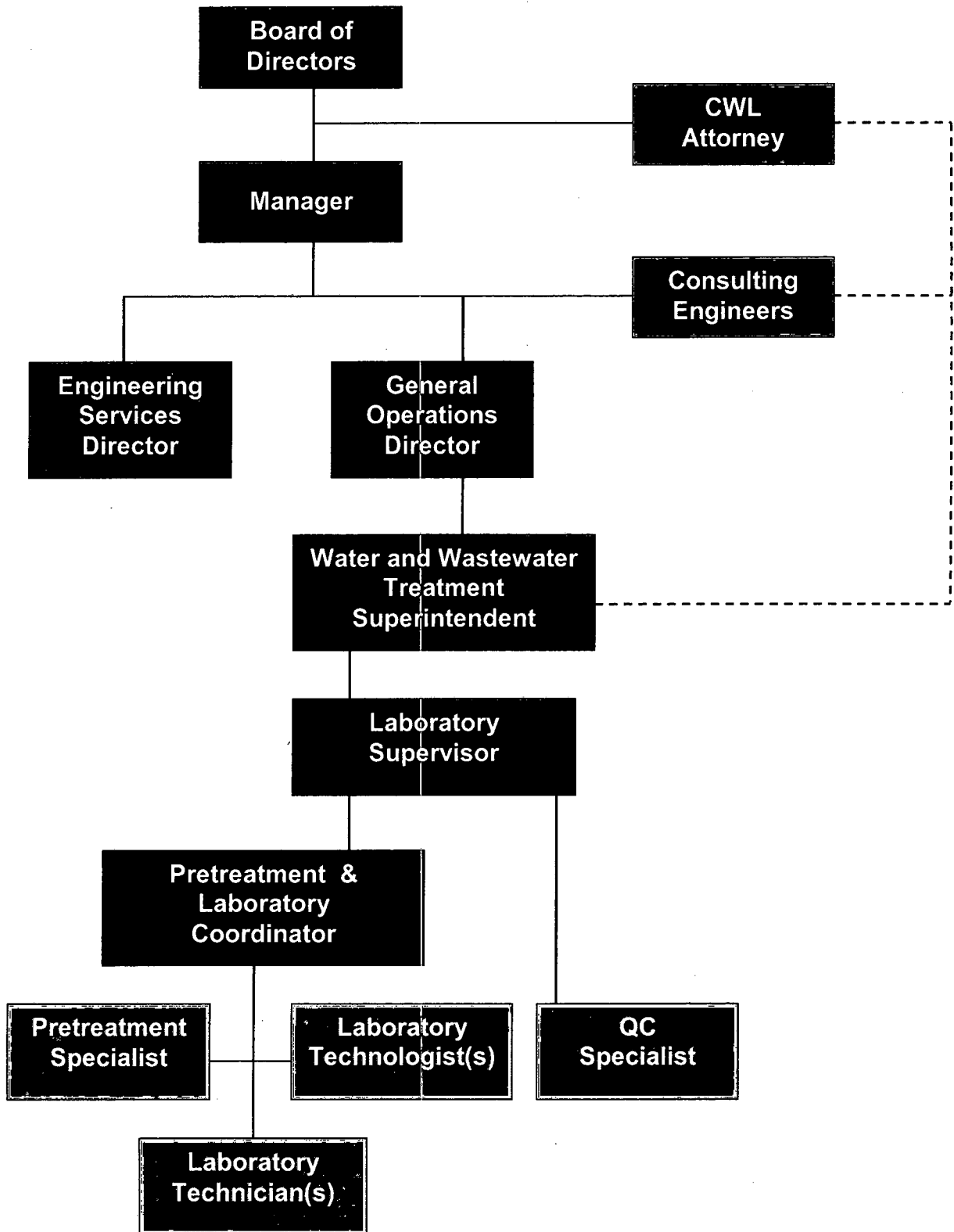
The CWL Manager has responsibility for the daily operation of the Industrial Pretreatment Program for Jonesboro. The Manager shall be a signatory authority for all reports and notices required for administration of the program.

C. General Operations Director (Director).

Under the policy direction of the Manager, the CWL General Operations Director is responsible for the following activities:

- 1) Issuance of Industrial Wastewater Discharge Permits; and
- 2) Authorized signatory for all reports and notices required for administration of the program.

Figure 801
ORGANIZATIONAL CHART
FOR
ADMINISTRATION OF THE INDUSTRIAL PRETREATMENT PROGRAM
FOR JONESBORO, ARKANSAS
BY CITY WATER AND LIGHT



D. Water and Wastewater Treatment Superintendent (WWTS).

Under the policy direction of the Manager and General Operations Director, the CWL Water and Wastewater Treatment Superintendent is responsible for the following activities:

- 1) Direction of the Pretreatment Program; and
- 2) Initiation of enforcement actions, with the exception of informal letters.

E. Laboratory Supervisor (LS).

Under the direction of the WWTS, the LS is responsible for the following activities:

- 1) Review of analyses performed in compliance monitoring in conjunction with the PC for documentation and the reporting of any instances of noncompliance to the IU, WWTS, Director, and Manager; and
- 2) Documentation and review of laboratory QC, process control data, and compliance monitoring for the POTWs;

F. Pretreatment & Laboratory Coordinator (PC).

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

- 1) Maintenance of Industrial Pretreatment Program files;
- 2) Identification of IUs by industrial surveys and inspections;
- 3) Notification to IUs of Pretreatment Standards and Requirements;
- 4) Review of Industrial Wastewater Discharge Permit applications;
- 5) Development of Industrial Wastewater Discharge Permits, including recommendation of permit limits and conditions, with LS, WWTS, Director, and Manager;
- 6) Monitoring of IU's compliance schedules;
- 7) Inspection of IU's production areas, monitoring equipment, and pretreatment facilities on an annual basis at a minimum. No responsibility shall be assumed for the O&M of the IU's pretreatment facilities by any observation by CWL personnel of said facilities;
- 8) Establishment and administration of compliance monitoring schedules for permitted IUs;
- 9) Monitoring of Non-Significant IUs to determine any change in operations or wastewater characteristics which may likely result in the User's classification as an SIU;
- 10) Delegation of responsibility for compliance monitoring of all permitted IUs;
- 11) Review of analyses performed in compliance monitoring in conjunction with the LS

for documentation and reporting of any instances of noncompliance to the IU, WWTS, Director, and Manager;

- 12) Initiation of informal enforcement actions (such as phone calls and/or informal letters) to notify IUs of instances of noncompliance;
- 13) Documentation of compliance monitoring, including the sampling, transport, and analysis, by methods which will yield evidence admissible in a court of competent jurisdiction;
- 14) Compilation of surcharge and capacity charges and billing to IUs for excessive BOD₅, TSS, and FOG;
- 15) Compilation and billing to IUs of permit, sampling, and analysis fees; and
- 16) Compilation and billing to IUs of costs for contract laboratory services required for compliance monitoring of IUs.

G. Laboratory Staff.

Under the supervision of the LS, CWL laboratory staff members include the Pretreatment & Laboratory Coordinator and Quality Control Specialist. Under the supervision of the PC, CWL laboratory staff members include the Pretreatment Specialist, Laboratory Technologists, and Laboratory Technicians. Laboratory staff members are responsible for the following Industrial Pretreatment Program activities, as well as any additional Pretreatment Program activities delegated by the PC and/or LS:

- 1) The Pretreatment Specialist, with assistance from Laboratory Technicians as required, is responsible for the compliance monitoring of wastewater discharged by IUs;
- 2) Required analysis of compliance samples that are within the capabilities of CWL laboratory equipment;
- 3) Reporting of analysis results to the PC and LS;
- 4) The Quality Control Specialist is responsible for quality control procedures which allow confirmation of results of laboratory analyses as admissible evidence in a court of competent jurisdiction;
- 5) Laboratory Technicians shall assist the Pretreatment Specialist with placing and retrieving samplers for routine and other special monitoring activities;
- 6) Preparation of samples for transport to contract laboratories for required analyses which are beyond the capabilities of CWL laboratory equipment;
- 7) Splitting of samples with IUs, if requested by the IU; and
- 8) Operation and maintenance of wastewater sampling equipment, with the exception of equipment owned and maintained by the IU.

H. City Water and Light Attorney (Attorney).

The CWL Attorney shall provide legal counsel to assist the CWL Board, Manager, Director, and WWTS with the administration and enforcement of the Industrial

Pretreatment Program for Jonesboro, as needed.

I. Consulting Engineer (Engineer).

The consulting engineer for CWL shall assist the Manager, Director, Attorney, WWTS, LS, and PC by providing technical consultation, as needed, for the administration of the Pretreatment Program.

8.2 EQUIPMENT AND CONTRACT LABORATORIES

CWL has sufficient equipment to adequately operate the Pretreatment Program. The PC has motor vehicles, automatic samplers, computer hardware, word processing and record-keeping software, email and fax capability, telephones, and office and laboratory space available for use.

Additional equipment required in the future for proper operation of the Pretreatment Program may be funded from the appropriate budgeted Pretreatment Operating Expenses Fund.

The CWL laboratory is equipped to perform required analyses except those best determined by a gas chromatograph or other specialized equipment. The services of contract laboratories are used for analyses requiring such specialized equipment. The costs of contract laboratory services for compliance monitoring of IUs shall be billed to the permitted IU.

8.3 PROGRAM COSTS AND FUNDING SOURCES

The annual operating costs of the Pretreatment Program for 2011 are shown in Table 803 below.

**2011 Annual Operating Costs for CWL Industrial Pretreatment Program
Table 803**

Salaries and Benefits Associated With Program		
<u>Administration</u>		
Water and Wastewater Treatment Superintendent		
Clerical		
<u>Operations</u>		
Laboratory Supervisor		
Pretreatment & Laboratory Coordinator		
Pretreatment Specialist		
Quality Control Specialist		
Laboratory Technologist(s)		
Laboratory Technician(s)		
<i>Subtotal</i>		\$ 212,933
Contract Laboratory		
Routine Pretreatment Testing	\$ 7,208	
Mercury Sampling	\$ 20,046	
<i>Subtotal</i>		\$ 27,254
Legal Counsel		\$ 306
Consulting Engineer		\$ 1,275
Operating Costs		
Vehicle/Transportation	\$ 14,537	
Supplies and Additional Miscellaneous Costs	\$ 27,430	
Refrigerated Samplers	\$ 20,000	
<i>Subtotal</i>		\$ 61,967
Total Annual Costs		<u>\$ 303,735</u>

Neither the Manager's nor the General Operations Director's salary is included in the 2011 annual operating costs of the Pretreatment Program. During 2011-2012, legal service expenditures to update the CWL Pretreatment Program in accordance with the revised Streamlining Requirements set forth by 40 CFR 403 and to revise the Ordinances included in Appendix E herein have totaled \$7,504 to date. This figure is also not included in Table 803, as this is not considered representative of typical expenditures which would be incurred annually by the CWL Pretreatment Program. The total cost associated with mercury sampling for 2011 is included in the Program expenditures above; however, it should be noted that it is expected that the ongoing annual cost of mercury sampling will be reduced as compared with the associated expenditures in 2011.

Section 70-100 (1) of the PTO provides that CWL may adopt reasonable administrative charges and fees for reimbursement of costs incurred in the evaluation of applications for and issuance of Industrial Wastewater Discharge Permits, as well as for performing compliance monitoring of IU's wastewater discharge. Therefore, the costs of permitting and monitoring IUs, services rendered by a consulting engineer, CWL's Attorney's fees, and sample analyses by contract laboratories should be at no net cost to CWL.

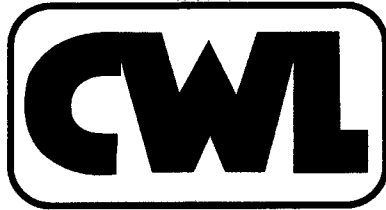
The annual operating cost of the Pretreatment Program is recovered in revenues generated by Industrial Wastewater Discharge Permit fees and additional fees which may include sampling and laboratory analyses costs; surcharges to SIUs discharging excessive amounts of BOD₅, TSS, and FOG; and general wastewater rates. Revenue from the excessive strength capacity charge is not applied to the Pretreatment Program revenues, as this charge was established to allow customers with special needs to use and pay for CWL's unused capacity.

The present general wastewater rates included in Appendix N, effective February 1, 2012, sets forth monthly user fees as follows:

- First 1,000 gallons incurs a minimum charge of \$3.93;
- Next 13,000 gallons is charged at \$1.74 per 1,000 gallons; and
- Over 14,000 gallons is charged at \$1.13 per 1,000 gallons.

Additional fees are established in the Schedule of CWL Laboratory Charges, also included in Appendix N to this document. The annual Industrial Wastewater Discharge Permit fee effective February 2012 is \$716.69, or \$59.72 per month. Fees which may be assessed in addition to the aforementioned permit fee are as follows: The present surcharge rate for excessive BOD₅ (> 250 mg/L) is \$0.097 per pound; excessive TSS (>250 mg/L) is \$0.097 per pound; and excessive FOG (>100 mg/L) is \$0.287 per pound. An excessive strength capacity charge of \$0.134 per pound of excessive BOD₅ or TSS, whichever is greater, may also be assessed. CWL's fees for laboratory sampling and analysis are as set forth in the Schedule of CWL Laboratory Charges included in the User's permit, and CWL reserves the right to revise these fees as necessary. At a minimum, permit fees; excessive strength BOD₅, TSS, and FOG surcharges; excessive strength capacity charges; and laboratory charges will be annually adjusted consistent with the Consumer Price Index.

The 2011 CWL Statement of Operations indicates annual revenue generated by sewer operations totaling \$5,426,771. Normal wastewater rate revenues for SIUs generated \$694,602 (12.8%) of the total sewer operations revenue in 2011. Approximately \$543,091 (10.0%) of the total sewer operations revenues was generated by CWL's administration and enforcement of the Industrial Pretreatment Program. Of the total Pretreatment Program revenue, \$336,868 (62.0%) was derived from excessive strength BOD₅, TSS, and FOG surcharges; and the remaining \$206,223 (38.0%) was derived from permit fees and fees associated with laboratory sampling and analyses.



APPENDICES
INDUSTRIAL
PRETREATMENT
PROGRAM

for

JONESBORO, ARKANSAS

NPDES Permit No. AR 0043401 - East Side WWTP
NPDES Permit No. AR 0037907 - West Side WWTP

Administered by
CITY WATER AND LIGHT

MWY Project No. JB-83R
May 2013



McGoodwin Williams & Yates
Engineering Confidence

APPENDIX A

General Pretreatment Regulations for
Existing and New Sources of Pollution
(40 CFR 403)

This document incorporates revisions made to the Part 403 regulations, as published in 70 FR 59848 - 59889 (October 13, 2005) and 70 FR 60191 - 60198 (October 14, 2005). EPA has made every effort to ensure that this document is accurate. In July 2006, the codified version of Part 403 will appear in the Code of Federal Register (CFR).

Protection of Environment
CHAPTER I
ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N -- EFFLUENT GUIDELINES AND STANDARDS

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

Sec.

- 403.1 Purpose and applicability.
- 403.2 Objectives of general pretreatment regulations.
- 403.3 Definitions.
- 403.4 State or local law.
- 403.5 National pretreatment standards: Prohibited discharges.
- 403.6 National pretreatment standards: Categorical standards.
- 403.7 Removal credits.
- 403.8 Pretreatment Program Requirements: Development and Implementation by POTW.
- 403.9 POTW pretreatment programs and/or authorization to revise pretreatment standards: Submission for approval.
- 403.10 Development and submission of NPDES State pretreatment programs.
- 403.11 Approval procedures for POTW pretreatment programs and POTW granting of removal credits.
- 403.12 Reporting requirements for POTWs and industrial users.
- 403.13 Variances from categorical pretreatment standards for fundamentally different factors.
- 403.14 Confidentiality.
- 403.15 Net/Gross calculation.
- 403.16 Upset provision.
- 403.17 Bypass.
- 403.18 Modification of POTW pretreatment programs.
- 403.19 Provisions of specific applicability to the Owatonna Waste Water Treatment Facility.
- 403.20 Pretreatment Program Reinvention Pilot Projects Under Project XL.

APPENDIX A TO PART 403 -- PROGRAM GUIDANCE MEMORANDUM

APPENDIXES B - C TO PART 403 [RESERVED]

APPENDIX D TO PART 403 -- SELECTED INDUSTRIAL SUBCATEGORIES CONSIDERED DILUTE FOR PURPOSES OF THE COMBINED WASTESTREAM FORMULA

APPENDIX E TO PART 403 -- SAMPLING PROCEDURES

APPENDIX F [RESERVED]

APPENDIX G TO PART 403 -- POLLUTANTS ELIGIBLE FOR A REMOVAL CREDIT

AUTHORITY: 33 U.S.C. 1251 et seq.

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

This document incorporates revisions made to the Part 403 regulations, as published in 70 FR 59848 - 59889 (October 13, 2005) and 70 FR 60191 - 60198 (October 14, 2005). EPA has made every effort to ensure that this document is accurate. In July 2006, the codified version of Part 403 will appear in the Code of Federal Register (CFR).

§ 403.1 Purpose and applicability.

(a) This part implements sections 204(b)(1)(C), 208(b)(2) (C)(iii), 301(b)(1)(A)(ii), 301(b)(2) (A)(ii), 301(h)(5) and 301(i)(2), 304 (e) and (g), 307, 308, 309, 402(b), 405, and 501(a) of the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977 (Pub. L. 95-217) or "The Act". It establishes responsibilities of Federal, State, and local government, industry and the public to implement National Pretreatment Standards to control pollutants which pass through or interfere with treatment processes in Publicly Owned Treatment Works (POTWs) or which may contaminate sewage sludge.

(b) This regulation applies:

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

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

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

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

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

§ 403.2 Objectives of general pretreatment regulations.

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

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

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

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

§ 403.3 Definitions.

For the purposes of this part:

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

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

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

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

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

(f) The term *Control Authority* ~~as it is used in this section~~ refers to:

(1) The POTW if the POTW's ~~Submission for its~~ Pretreatment Program Submission (§ 403.3~~(t)(1)~~) has been approved in accordance with the requirements of § 403.11; or

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

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

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

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

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

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

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

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

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

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

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

(iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs ~~(k)~~(m)(1)(ii) or ~~(k)~~(m)(1)(iii) of this section, but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

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

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

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

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

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

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

~~(n)~~(p) The term *Pass Through* means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

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~~(e)~~(q) The term *Publicly Owned Treatment Works* or *POTW* means a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

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

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

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

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

~~(e)~~(v) *Significant Industrial User.*

(1) Except as provided in paragraph ~~(e)~~(v)(2) and (v)(3) of this section, the term Significant Industrial User means:

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

(ii) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority ~~as defined in 40 CFR 403.12(a)~~ on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

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

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

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

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

~~(2)~~(3) Upon a finding that an Industrial User meeting the criteria in paragraph ~~(v)~~(1)(ii) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

~~(u)~~(w) The term *Submission* means:

- (1) A request by a POTW for approval of a Pretreatment Program to the EPA or a Director;
- (2) A request by a POTW to the EPA or a Director for authority to revise the discharge limits in categorical Pretreatment Standards to reflect POTW pollutant removals; or
- (3) A request to the EPA by an NPDES State for approval of its State pretreatment program.

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

§ 403.4 State or local law.

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

§ 403.5 National pretreatment standards: Prohibited discharges.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) *When specific limits must be developed by POTW.*

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

(2) All other POTWs shall, in cases where pollutants contributed by User(s) result in Interference or Pass- Through, and such violation is likely to recur, develop and enforce specific effluent limits for Industrial User(s), and all other users, as appropriate, which, together with appropriate changes in the POTW Treatment Plant's facilities or

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operation, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit or sludge use or disposal practices.

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

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

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

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

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

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

§ 403.6 National pretreatment standards: Categorical standards.

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

(a) Category Determination Request

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

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

(i) Describing which subcategories might be applicable; and

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

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

(3) *Deficient requests.* The Water Management Division Director or Director will only act on written requests for determinations that contain all of the information required. Persons who have made incomplete submissions will be notified by the Water Management Division Director or Director that their requests are deficient and, unless the time period is extended, will be given 30 days to correct the deficiency. If the deficiency is not corrected within 30 days or within an extended period allowed by the Water Management Division Director or the Director, the request for a determination shall be denied.

(4) *Final decision.*

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

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

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

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

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

(b) *Deadline for Compliance with Categorical Standards.* Compliance by existing sources with categorical Pretreatment Standards shall be within 3 years of the date the Standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR chapter I, subchapter N. Direct dischargers with NPDES permits modified or reissued to provide a variance pursuant to section 301(i)(2) of the Act shall be required to meet

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compliance dates set in any applicable categorical Pretreatment Standard. Existing sources which become Industrial Users subsequent to promulgation of an applicable categorical Pretreatment Standard shall be considered existing Industrial Users except where such sources meet the definition of a New Source as defined in § 403.3(k)(m). New Sources shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable Pretreatment Standards before beginning to Discharge. Within the shortest feasible time (not to exceed 90 days), New Sources must meet all applicable Pretreatment Standards.

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

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

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

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

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

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

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

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

(C) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average

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production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(6)~~(8) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such Standards are being applied, the same production ~~of or~~ flow figure shall be used in calculating both ~~types of~~ equivalent limitations the average and the maximum equivalent limitation.

~~(7)~~(9) Any Industrial User operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the Control Authority within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Control Authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long term average production rate.

(d) *Dilution Prohibited as Substitute for Treatment.* Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement. The Control Authority ~~(as defined in § 403.12(a))~~ may impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate.

(e) *Combined wastestream formula.* Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the Control Authority, ~~as defined in § 403.12(a)~~, or by the Industrial User with the written concurrence of the Control Authority. These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the Control Authority or Industrial User shall calculate both an alternative daily maximum value using the daily maximum value(s) specified in the appropriate categorical Pretreatment Standard(s) and an alternative consecutive sampling day average value using the monthly average value(s) specified in the appropriate categorical Pretreatment Standard(s). The Industrial User shall comply with the alternative daily maximum and monthly average limits fixed by the Control Authority until the Control Authority modifies the limits or approves an Industrial User modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An Industrial User must immediately report any such material or significant change to the Control Authority. Where appropriate new alternative categorical limits shall be calculated within 30 days.

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

(i) *Alternative concentration limit.*

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where

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

CT=the alternative concentration limit for the combined wastestream.

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

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

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

- (1) The pollutants of concern are not detectable in the effluent from the Industrial User (paragraph (8)(a)(iii));
- (2) The pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects (paragraph (8)(a)(iii));
- (3) The pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the Administrator (paragraph (8)(a)(iii)); or
- (4) The wastestream contains only pollutants which are compatible with the POTW (paragraph (8)(b)(i)).

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

N=The total number of regulated streams.

(ii) *Alternative mass limit.*

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

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

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

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

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

- (1) The pollutants of concern are not detectable in the effluent from the Industrial User (paragraph (8)(a)(iii));
- (2) The pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects (paragraph (8)(a)(iii));
- (3) The pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the Administrator (paragraph (8)(a)(iii)); or
- (4) The wastestream contains only pollutants which are compatible with the POTW (paragraph (8)(b)(i)).

FT=The average flow (at least a 30-day average) through the combined treatment facility (includes Fi, FD and unregulated streams).

N=The total number of regulated streams.

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

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

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

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

§ 403.7 Removal credits.

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

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

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

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

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

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

(ii) Consistent removal determination. The POTW demonstrates and continues to achieve consistent removal of the pollutant in accordance with paragraph (b) of this section.

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

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

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

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

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

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

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

where:

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

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

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

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(b) Establishment of Removal Credits; Demonstration of Consistent Removal

(1) Definition of Consistent Removal. "Consistent Removal" shall mean the average of the lowest 50 percent of the removal measured according to paragraph (b)(2) of this section. All sample data obtained for the measured pollutant during the time period prescribed in paragraph (b)(2) of this section must be reported and used in computing Consistent Removal. If a substance is measurable in the influent but not in the effluent, the effluent level may be assumed to be the limit of measurement, and those data may be used by the POTW at its discretion and subject to approval by the Approval Authority. If the substance is not measurable in the influent, the data may not be used. Where the number of samples with concentrations equal to or above the limit of measurement is between 8 and 12, the average of the lowest 6 removals shall be used. If there are less than 8 samples with concentrations equal to or above the limit of measurement, the Approval Authority may approve alternate means for demonstrating Consistent Removal. The term "measurement" refers to the ability of the analytical method or protocol to quantify as well as identify the presence of the substance in question.

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

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

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

(iii) Sampling Procedures: Composite.

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

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

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

(C) Effluent sample collection need not be delayed to compensate for hydraulic detention unless the POTW elects to include detention time compensation or unless the Approval Authority requires detention time compensation. The

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Approval Authority may require that each effluent sample be taken approximately one detention time later than the corresponding influent sample when failure to do so would result in an unrepresentative portrayal of actual POTW operation. The detention period is to be based on a 24-hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year.

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

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

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

(c) Provisional credits. For pollutants which are not being discharged currently (i.e., new or modified facilities, or production changes) the POTW may apply for authorization to give removal credits prior to the initial discharge of the pollutant. Consistent removal shall be based provisionally on data from treatability studies or demonstrated removal at other treatment facilities where the quality and quantity of influent are similar. Within 18 months after the commencement of discharge of pollutants in question, consistent removal must be demonstrated pursuant to the requirements of paragraph (b) of this section. If, within 18 months after the commencement of the discharge of the pollutant in question, the POTW cannot demonstrate consistent removal pursuant to the requirements of paragraph

(b) of this section, the authority to grant provisional removal credits shall be terminated by the Approval Authority and all Industrial Users to whom the revised discharge limits had been applied shall achieve compliance with the applicable categorical Pretreatment Standard(s) within a reasonable time, not to exceed the period of time prescribed in the applicable categorical Pretreatment Standard(s), as may be specified by the Approval Authority.

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

(1) All Industrial Users who are currently subject to a categorical Pretreatment Standard and who wish conditionally to receive a removal credit must submit to the POTW the information required in § 403.12(b)(1) through (7) (except

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new or modified industrial users must only submit the information required by § 403.12(b)(1) through (6)), pertaining to the categorical Pretreatment Standard as modified by the removal credit. The Industrial Users shall indicate what additional technology, if any, will be needed to comply with the categorical Pretreatment Standard(s) as modified by the removal credit;

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

(3) The POTW must:

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

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

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

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

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

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

(e) POTW application for authorization to give removal credits and Approval Authority review

(1) Who must apply. Any POTW that wants to give a removal credit must apply for authorization from the Approval Authority.

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

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

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

(i) List of pollutants. A list of pollutants for which removal credits are proposed.

(ii) Consistent Removal Data. The data required pursuant to paragraph (b) of this section.

(iii) Calculation of revised discharge limits. Proposed revised discharge limits for each affected subcategory of Industrial Users calculated in accordance with paragraph (a)(4) of this section.

(iv) Local Pretreatment Program Certification. A certification that the POTW has an approved local pretreatment program or qualifies for the exception to this requirement found at paragraph (d) of this section.

(v) Sludge Management Certification. A specific description of the POTW's current methods of using or disposing of its sludge and a certification that the granting of removal credits will not cause a violation of the sludge requirements identified in paragraph (a)(3)(iv) of this section.

(vi) NPDES Permit Limit Certification. A certification that the granting of removal credits will not cause a violation of the POTW's NPDES permit limits and conditions as required in paragraph (a)(3)(v) of this section.

(5) Approval Authority Review. The Approval Authority shall review the POTW's application for authorization to give or modify removal credits in accordance with the procedures of § 403.11 and shall, in no event, have more than 180 days from public notice of an application to complete review.

(6) EPA review of State removal credit approvals. Where the NPDES State has an approved pretreatment program, the Regional Administrator may agree in the Memorandum of Agreement under 40 CFR 123.24(d) to waive the right to review and object to submissions for authority to grant removal credits. Such an agreement shall not restrict the Regional Administrator's right to comment upon or object to permits issued to POTWs except to the extent 40 CFR 123.24(d) allows such restriction.

(7) Nothing in these regulations precludes an Industrial User or other interested party from assisting the POTW in preparing and presenting the information necessary to apply for authorization.

(f) Continuation and withdrawal of authorization:

(1) Effect of authorization. (i) Once a POTW has received authorization to grant removal credits for a particular pollutant regulated in a categorical Pretreatment Standard it may automatically extend that removal credit to the same pollutant when it is regulated in other categorical standards, unless granting the removal credit will cause the POTW to violate the sludge requirements identified in paragraph (a)(3)(iv) of this section or its NPDES permit limits and conditions as required by paragraph (a)(3)(v) of this section. If a POTW elects at a later time to extend removal credits to a certain categorical Pretreatment Standard, industrial subcategory or one or more Industrial Users that initially were not granted removal credits, it must notify the Approval Authority.

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(2) Inclusion in POTW permit. Once authority is granted, the removal credits shall be included in the POTW's NPDES Permit as soon as possible and shall become an enforceable requirement of the POTW's NPDES permit. The removal credits will remain in effect for the term of the POTW's NPDES permit, provided the POTW maintains compliance with the conditions specified in paragraph (f)(4) of this section.

(3) Compliance monitoring. Following authorization to give removal credits, a POTW shall continue to monitor and report on (at such intervals as may be specified by the Approval Authority, but in no case less than once per year) the POTW's removal capabilities. A minimum of one representative sample per month during the reporting period is required, and all sampling data must be included in the POTW's compliance report.

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

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

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

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

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

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

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

(1) The Industrial User provides containment or otherwise ceases or reduces Discharges from the regulated processes which contain the pollutant for which an allowance is requested during all circumstances in which an

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Overflow event can reasonably be expected to occur at the POTW or at a sewer to which the Industrial User is connected. Discharges must cease or be reduced, or pretreatment must be increased, to the extent necessary to compensate for the removal not being provided by the POTW. Allowances under this provision will only be granted where the POTW submits to the Approval Authority evidence that:

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

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

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

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

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

where:

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

r_c = removal corrected by the Overflow factor

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

(ii) After July 1, 1983, Consistent Removal may be claimed only where efforts to correct the conditions resulting in untreated Discharges by the POTW are underway in accordance with the policy and procedures set forth in "PRM 75-34" or "Program Guidance Memorandum 61" (same document) published on December 16, 1975, by EPA Office of Water Program Operations (WH-546). (See appendix A.) Revisions to discharge limits in categorical Pretreatment Standards may not be made where efforts have not been committed to by the POTW to minimize pollution from Overflows. At minimum, by July 1, 1983, the POTW must have completed the analysis required by PRM 75-34 and be making an effort to implement the plan. The POTW is complying with all NPDES permit requirements and any additional requirements in any order or decree, issued pursuant to the Clean Water Act

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affecting combined sewer outflows. These requirements include, but are not limited to, any combined sewer overflow requirements that conform to the Combined Sewer Overflow Control Policy.

(iii) If, by July 1, 1983, a POTW has begun the PRM 75-34 analysis but due to circumstances beyond its control has not completed it, Consistent Removal, subject to the approval of the Approval Authority, may continue to be claimed according to the formula in paragraph (h)(2)(i) of this section as long as the POTW acts in a timely fashion to complete the analysis and makes an effort to implement the non-structural cost-effective measures identified by the analysis; and so long as the POTW has expressed its willingness to apply, after completing the analysis, for a construction grant necessary to implement any other cost-effective Overflow controls identified in the analysis should Federal funds become available, so applies for such funds, and proceeds with the required construction in an expeditious manner. In addition, Consistent Removal may, subject to the approval of the Approval Authority, continue to be claimed according to the formula in paragraph (h)(2)(i) of this section where the POTW has completed and the Approval Authority has accepted the analysis required by PRM 75-34 and the POTW has requested inclusion in its NPDES permit of an acceptable compliance schedule providing for timely implementation of cost-effective measures identified in the analysis. (In considering what is timely implementation, the Approval Authority shall consider the availability of funds, cost of control measures, and seriousness of the water quality problem.)

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

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

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

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

(c) Incorporation of approved programs in permits. A POTW may develop an appropriate POTW Pretreatment Program any time before the time limit set forth in paragraph (b) of this section. The POTW's NPDES Permit will be reissued or modified by the NPDES State or EPA to incorporate the approved Program as enforceable conditions of

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the Permit. The modification of a POTW's NPDES Permit for the purposes of incorporating a POTW Pretreatment Program approved in accordance with the procedure in § 403.11 shall be deemed a minor Permit modification subject to the procedures in § 122.63.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- (i) Involve the same or substantially similar types of operations;
- (ii) Discharge the same types of wastes;
- (iii) Require the same effluent limitations;
- (iv) Require the same or similar monitoring; and
- (v) In the opinion of the POTW, are more appropriately controlled under a general control mechanism than under individual control mechanisms.

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

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

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

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

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

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

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

(6) Requirements to control slug discharges, if determined by the POTW to be necessary.

(iv) Require (A) the development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements and (B) the submission of all notices and self-

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monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required in § 403.12.

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

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

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

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

(2) Procedures. The POTW shall develop and implement procedures to ensure compliance with the requirements of a Pretreatment Program. At a minimum, these procedures shall enable the POTW to:

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

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

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

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

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

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

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

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

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

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

(B) Description of stored chemicals;

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

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

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

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

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

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

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

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

(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide, within ~~45~~30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the ~~Control Authority POTW~~ determines will adversely affect the operation or implementation of the local Pretreatment program.

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

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

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

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

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

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

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

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

(g) A POTW that chooses to receive electronic documents must satisfy the requirements of 40 CFR Part 3—(Electronic reporting). [Note to readers: This revision is part of the final CROMERR rule; provision becomes effective January 11, 2006.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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whether the Submission meets the requirements of paragraph (b) and, if appropriate, (d) of this section. If the Approval Authority makes the preliminary determination that the Submission meets these requirements, the Approval Authority shall:

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

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

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

(g) Consistency with water quality management plans.

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

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

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

§ 403.10 Development and submission of NPDES State pretreatment programs.

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

(b) [Reserved]

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

(d) [Reserved]

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Provide technical and legal assistance to POTWs in developing Pretreatment Programs;

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

(iv) Sample and analyze:

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

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

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

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

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

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

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

(1)(i) A statement from the State Attorney General (or the Attorney for those State agencies which have independent legal counsel) that the laws of the State provide adequate authority to implement the requirements of this part. The authorities cited by the Attorney General in this statement shall be in the form of lawfully adopted State statutes or regulations which shall be effective by the time of approval of the State Pretreatment Program; and

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

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

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

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

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

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

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

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

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

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

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

(a) Deadline for review of submission. The Approval Authority shall have 90 days from the date of public notice of any Submission complying with the requirements of § 403.9(b) and, where removal credit authorization is sought with §§ 403.7(e) and 403.9(d), to review the Submission. The Approval Authority shall review the Submission to determine compliance with the requirements of § 403.8 (b) and (f), and, where removal credit authorization is sought, with § 403.7. The Approval Authority may have up to an additional 90 days to complete the evaluation of the Submission if the public comment period provided for in paragraph (b)(1)(ii) of this section is extended beyond 30 days or if a public hearing is held as provided for in paragraph (b)(2) of this section. In no event, however, shall the time for evaluation of the Submission exceed a total of 180 days from the date of public notice of a Submission meeting the requirements of § 403.9(b) and, in the case of a removal credit application, §§ 403.7(e) and 403.9(b).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) ~~Definition. The term Control Authority as it is used in this section refers to: (1) The POTW if the POTW's Submission for its pretreatment program (§ 403.3(t)(1)) has been approved in accordance with the requirements of § 403.11; or (2) the Approval Authority if the Submission has not been approved. [Reserved]~~

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

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

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

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

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

(i) Regulated process streams; and

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

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

(5) Measurement of pollutants.

(i) The user shall identify the Pretreatment Standards applicable to each regulated process.

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

~~(iii) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Control Authority may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged.~~

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

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

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

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

~~(viii)~~(vii) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW;

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

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

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

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

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

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

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

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

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

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

(e) *Periodic reports on continued compliance.*

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

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

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

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

(iii) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. The request for a monitoring waiver must be signed in accordance with paragraph (1) of this section, and include the certification statement in § 403.6(a)(2)(ii). Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

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

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

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

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

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

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

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

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

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

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

(ii) The Industrial User has not been in significant noncompliance, as defined in 40 CFR 403.8(f)(2)(viii), for any time in the past two years;

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

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

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

(2)(4) Where the Control Authority has imposed mass limitations on Industrial Users as provided for by § 403.6(d), the report required by paragraph (e)(1) of this section shall indicate the mass of pollutants regulated by Pretreatment Standards in the Discharge from the Industrial User.

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

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

(g) *Monitoring and analysis to demonstrate continued compliance.*

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

(2) If sampling performed by an Industrial User indicates a violation, the user shall notify the Control Authority within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation. except the Industrial User is not required to resample if: 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 User performs its initial sampling initial sampling was conducted and the time when the User or the Control Authority receives the results of this sampling.

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

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24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority, as appropriate.

(4) For sampling required in support of baseline monitoring and 90-day compliance reports required in paragraphs (b) and (d) of this section, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control Authority may authorize a lower minimum. For the reports required by paragraphs (e) and (h) of this section, the Control Authority shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with Applicable Pretreatment Standards and Requirements.

~~(4)~~(5) All analyses shall be performed in accordance with procedures established by the Administrator pursuant to section 304(h) of the Act and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the Administrator. (See, §§ 136.4 and 136.5.) Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR part 136 does not include sampling or analytical techniques for the pollutants in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator.

~~(5)~~(6) If an Industrial User subject to the reporting requirement in paragraph (e) or (h) of this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority, using the procedures prescribed in paragraph ~~(g)~~(4)(5) of this section, the results of this monitoring shall be included in the report.

(h) *Reporting requirements for Industrial Users not subject to categorical Pretreatment Standards.* The Control Authority shall must require appropriate reporting from those Industrial Users with Discharges that are not subject to categorical Pretreatment Standards. Significant Non-categorical Industrial Users shall must submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Control Authority to determine the compliance status of the User. These reports shall must be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40-CFR-part 136 and amendments thereto. ~~Where 40-CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons, approved by the Administrator.~~ This sampling and analysis may be performed by the Control Authority in lieu of the significant non-categorical Industrial User. ~~Where the POTW itself collects all the information required for the report, the noncategorical significant Industrial User will not be required to submit the report.~~

(i) *Annual POTW reports.* POTWs with approved Pretreatment Programs shall provide the Approval Authority with a report that briefly describes the POTW's program activities, including activities of all participating agencies, if more than one jurisdiction is involved in the local program. The report required by this section shall be submitted no later

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than one year after approval of the POTW's Pretreatment Program, and at least annually thereafter, and shall include, at a minimum, the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) ~~the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where~~ authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

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

(i) The authorization is made in writing by the individual described in paragraph (1)(1) or (1)(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 (1)(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 (1)(3) of this section must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.

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

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

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

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

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

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(o) *Record-keeping requirements.*

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

- (i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
- (ii) The dates analyses were performed;
- (iii) Who performed the analyses;
- (iv) The analytical techniques/methods use; and
- (v) The results of such analyses.

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

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

(p)(1) The Industrial User shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12 (j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12 (b), (d), and (e).

(2) Dischargers are exempt from the requirements of paragraph (p)(1) of this section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous

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wastes as specified in 40 CFR§ 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR§ 261.30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

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

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

(q) Annual certification by Non-Significant Categorical Industrial Users. A facility determined to be a Non-Significant Categorical Industrial User pursuant to § 403.3(v)(2) must annually submit the following certification statement, signed in accordance with the signatory requirements in § 403.12(l). This certification must accompany an alternative report required by the Control Authority:

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

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

(r) The Control Authority that chooses to receive electronic documents must satisfy the requirements of 40 CFR Part 3—(Electronic reporting). [Note to readers: This revision is part of the final CROMERR rule; provision becomes effective January 11, 2006.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- (i) The alternative limit request is no more stringent than justified by the fundamental difference; and
- (ii) Compliance with the alternative limit would not result in either:
 - (A) A removal cost (adjusted for inflation) wholly out of proportion to the removal cost considered during development of the Standards; or
 - (B) A non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the Standards.
- (d) Factors considered fundamentally different. Factors which may be considered fundamentally different are:
 - (1) The nature or quality of pollutants contained in the raw waste load of the User's process wastewater;
 - (2) The volume of the User's process wastewater and effluent discharged;
 - (3) Non-water quality environmental impact of control and treatment of the User's raw waste load;
 - (4) Energy requirements of the application of control and treatment technology;
 - (5) Age, size, land availability, and configuration as they relate to the User's equipment or facilities; processes employed; process changes; and engineering aspects of the application of control technology;
 - (6) Cost of compliance with required control technology.
- (e) Factors which will not be considered fundamentally different. A variance request or portion of such a request under this section may not be granted on any of the following grounds:
 - (1) The feasibility of installing the required waste treatment equipment within the time the Act allows;
 - (2) The assertion that the Standards cannot be achieved with the appropriate waste treatment facilities installed, if such assertion is not based on factors listed in paragraph (d) of this section;
 - (3) The User's ability to pay for the required waste treatment; or
 - (4) The impact of a Discharge on the quality of the POTW's receiving waters.
- (f) State or local law. Nothing in this section shall be construed to impair the right of any state or locality under section 510 of the Act to impose more stringent limitations than required by Federal law.
- (g) Application deadline. (1) Requests for a variance and supporting information must be submitted in writing to the Director or to the Administrator (or his delegate), as appropriate.
 - (2) In order to be considered, a request for a variance must be submitted no later than 180 days after the date on which a categorical Pretreatment Standard is published in the FEDERAL REGISTER.
 - (3) Where the User has requested a categorical determination pursuant to § 403.6(a), the User may elect to await the results of the category determination before submitting a variance request under this section. Where the User so

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elects, he or she must submit the variance request within 30 days after a final decision has been made on the categorical determination pursuant to § 403.6(a)(4).

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

- (1) The name and address of the person making the request;
 - (2) Identification of the interest of the Requester which is affected by the categorical Pretreatment Standard for which the variance is requested;
 - (3) Identification of the POTW currently receiving the waste from the Industrial User for which alternative discharge limits are requested;
 - (4) Identification of the categorical Pretreatment Standards which are applicable to the Industrial User;
 - (5) A list of each pollutant or pollutant parameter for which an alternative discharge limit is sought;
 - (6) The alternative discharge limits proposed by the Requester for each pollutant or pollutant parameter identified in paragraph (h)(5) of this section;
 - (7) A description of the Industrial User's existing water pollution control facilities;
 - (8) A schematic flow representation of the Industrial User's water system including water supply, process wastewater systems, and points of Discharge; and
 - (9) A Statement of facts clearly establishing why the variance request should be approved, including detailed support data, documentation, and evidence necessary to fully evaluate the merits of the request, e.g., technical and economic data collected by the EPA and used in developing each pollutant discharge limit in the Pretreatment Standard.
- (i) Deficient requests. The Administrator (or his delegate) or the Director will only act on written requests for variances that contain all of the information required. Persons who have made incomplete submissions will be notified by the Administrator (or his delegate) or the Director that their requests are deficient and unless the time period is extended, will be given up to thirty days to remedy the deficiency. If the deficiency is not corrected within the time period allowed by the Administrator (or his delegate) or the Director, the request for a variance shall be denied.
- (j) Public notice. Upon receipt of a complete request, the Administrator (or his delegate) or the Director will provide notice of receipt, opportunity to review the submission, and opportunity to comment.
- (1) The public notice shall be circulated in a manner designed to inform interested and potentially interested persons of the request. Procedures for the circulation of public notice shall include mailing notices to:
 - (i) The POTW into which the Industrial User requesting the variance discharges;
 - (ii) Adjoining States whose waters may be affected; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iv) Send the information described in paragraphs (1)(2) (i) and (ii) of this section to the Requestor (and to the Industrial User where they are not the same).

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

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

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

§ 403.14 Confidentiality.

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

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

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

§ 403.15 Net/Gross calculation.

~~Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this section.~~

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

(b) Criteria. (1) Either:

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

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

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

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

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

~~(e) The applicable categorical pretreatment standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis.~~

[53 FR 40614, Oct. 17, 1988, as amended at 58 FR 18017, Apr. 7, 1993]

§ 403.16 Upset provision.

(a) Definition. For the purposes of this section, Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) Effect of an upset. An Upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (c) are met.

(c) Conditions necessary for a demonstration of upset. An Industrial User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An Upset occurred and the Industrial User can identify the cause(s) of the Upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;

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

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

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

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

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

(e) Reviewability of agency consideration of claims of upset. In the usual exercise of prosecutorial discretion, Agency enforcement personnel should review any claims that non-compliance was caused by an Upset. No determinations made in the course of the review constitute final Agency action subject to judicial review. Industrial Users will have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

(f) User responsibility in case of upset. The Industrial User shall control production or all Discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

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

§ 403.17 Bypass.

(a) Definitions. (1) Bypass means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

(2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

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

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

(2) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the POTW within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

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(d) Prohibition of bypass. (1) Bypass is prohibited, and the Control Authority may take enforcement action against an Industrial User for a bypass, unless;

(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

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

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

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

§ 403.18 Modification of POTW pretreatment programs.

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

(b) Substantial modifications defined. Substantial modifications include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[62 FR 38414, July 17, 1997]

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

(a) For the purposes of this section, the term "Participating Industrial Users" includes the following Industrial Users in the City of Owatonna, Minnesota: Crown Cork and Seal Company, Inc.; Cybex International Inc.; Josten's Inc. -- Southtown Facility; SPx Corporation, Service Solutions Division; Truth Hardware Corporation; and Uber Tanning Company.

(b) For a Participating Industrial User discharging to the Owatonna Waste Water Treatment Facility in Owatonna, Minnesota, when a categorical Pretreatment Standard is expressed in terms of pollutant concentration the City of Owatonna may convert the limit to a mass limit by multiplying the five-year, long-term average process flows of the Participating Industrial User (or a shorter period if production has significantly increased or decreased during the five year period) by the concentration-based categorical Pretreatment Standard. Participating Industrial Users must notify the City in the event production rates are expected to vary by more than 20 percent from a baseline production rate determined by Owatonna when it establishes a Participating Industrial User's initial mass limit. To remain eligible to receive equivalent mass limits the Participating Industrial User must maintain at least the same level of treatment as at the time the equivalent mass limit is established. Upon notification of a revised production rate from a Participating

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Industrial User, the City will reassess the appropriateness of the mass limit. Owatonna shall reestablish the concentration-based limit if a Participating Industrial User does not maintain at least the same level of treatment as when the equivalent mass limit was established.

(c) If a categorical Participating Industrial User of the Owatonna Waste Water Treatment Facility has demonstrated through sampling and other technical factors, including a comparison of three years of effluent data with background data, that pollutants regulated through categorical Pretreatment Standards, other than 40 CFR part 414, are not expected to be present in quantities greater than the background influent concentration to the industrial process, the City of Owatonna may reduce the sampling frequency specified in § 403.8(f)(2)(v) to once during the term of the categorical Participating Industrial User's permit.

(d) If a Participating Industrial User is discharging to the Owatonna Waste Water Treatment Facility in Owatonna, Minnesota and is subject to a categorical Pretreatment Standard other than one codified at 40 CFR part 414, the City of Owatonna may authorize the Participating Industrial User to forego sampling of a pollutant if the Participating Industrial User has demonstrated through sampling and other technical factors, including a comparison of three years of effluent data with background data, that the pollutant is not expected to be present in quantities greater than the background influent concentration to the industrial process, and the Participating Industrial User certifies on each report, with the following statement, that there has been no increase in the pollutant in its wastestream due to activities of the Participating Industrial User. The following statement is to be included as a comment to the periodic reports required by § 403.12(e):

"Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR __, I certify that, to the best of my knowledge and belief, the raw materials, industrial processes, and potential by-products have not contributed this pollutant to the wastewaters since filing of the last periodic report under 40 CFR 403.12(e)."

(e) If the average daily loading from the Participating Industrial Users to the Owatonna Waste Water Treatment Facility is equal to or less than 0.68 pounds per day of chromium, 0.25 pounds per day of copper, 1.17 pounds per day of nickel, and 1.01 pounds per day of zinc, Owatonna may authorize a categorical Participating Industrial User to satisfy the reporting requirements of § 403.12(e) with an annual report provided on a date specified by Owatonna, provided that the Participating Industrial User has no reasonable potential to violate a Pretreatment Standard for any pollutant for which reduced monitoring is being allowed, and has not been in Significant Noncompliance within the previous three years.

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

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

[65 FR 59747, Oct. 6, 2000]

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§ 403.20 Pretreatment Program Reinvention Pilot Projects Under Project XL.

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

[66 FR 50339, Oct. 3, 2001]

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APPENDIX A TO PART 403 Program Guidance Manual [REMOVED AND RESERVED]

APPENDIX B TO PART 403 [RESERVED]

APPENDIX C TO PART 403 [RESERVED]

APPENDIX D TO PART 403

SELECTED INDUSTRIAL SUBCATEGORIES CONSIDERED DILUTE FOR PURPOSES OF THE COMBINED WASTESTREAM FORMULA

The following industrial subcategories are considered to have dilute wastestreams for purposes of the combined wastestream formula. They either were or could have been excluded from categorical pretreatment standards pursuant to paragraph 8 of the Natural Resources Defense Council, Inc., et al. v. Costle Consent Decree for one or more of the following four reasons: (1) The pollutants of concern are not detectable in the effluent from the industrial user (paragraph 8(a)(iii)); (2) the pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects (paragraph 8(a)(iii)); (3) the pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the Administrator (paragraph 8(a)(iii)); or (4) the wastestream contains only pollutants which are compatible with the POTW (paragraph 8(b)(i)). In some instances, different rationales were given for exclusion under paragraph 8. However, EPA has reviewed these subcategories and has determined that exclusion could have occurred due to one of the four reasons listed above.

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

Auto and Other Laundries (40 CFR part 444)
Carpet and Upholstery Cleaning
Coin-Operated Laundries and Dry Cleaning
Diaper Services
Dry Cleaning Plants except Rug Cleaning
Industrial Laundries
Laundry and Garment Services, Not Elsewhere Classified
Linen Supply
Power Laundries, Family and Commercial

Incandescent Lamps
Magnetic Coatings
Mica Paper Dielectric
Motors, Generators, Alternators
Receiving and Transmitting Tubes
Resistance Heaters
Resistors
Switchgear
Transformer (Fluid Fill)

Electrical and Electronic Components¹ (40 CFR part 469)
Capacitors (Fluid Fill)
Carbon and Graphite Products
Dry Transformers
Ferrite Electronic Devices
Fixed Capacitors
Fluorescent Lamps
Fuel Cells

Metal Molding and Casting (40 CFR part 464)
Nickel Casting
Tin Casting
Titanium Casting

Gum and Wood Chemicals (40 CFR part 454)
Char and Charcoal Briquets

Inorganic Chemicals Manufacturing (40 CFR part 415)
Ammonium Chloride
Ammonium Hydroxide
Barium Carbonate
Calcium Carbonate
Carbon Dioxide
Carbon Monoxide and Byproduct Hydrogen

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

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Hydrochloric Acid
Hydrogen Peroxide (Organic Process)
Nitric Acid
Oxygen and Nitrogen
Potassium Iodide
Sodium Chloride (Brine Mining Process)
Sodium Hydrosulfide

Sodium Hydrosulfite
Sodium Metal
Sodium Silicate
Sodium Thiosulfate
Sulfur Dioxide
Sulfuric Acid

Paving and Roofing (40 CFR-part 443)

Asphalt Concrete
Asphalt Emulsion
Linoleum
Printed Asphalt Felt
Roofing

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

Groundwood-Chemi-Mechanical

Rubber Manufacturing (40 CFR-part 428)

Tire and Inner Tube Plants
Emulsion Crumb Rubber
Solution Crumb Rubber
Latex Rubber
Small-sized General Molded, Extruded and Fabricated

Rubber Plants²

Medium-sided General Molded, Extruded and Fabricated

Rubber Plants 2

Large-sized General Molded, Extruded and Fabricated

Rubber Plants 2

Wet Digestion Reclaimed Rubber
Pan, Dry Digestion, and Mechanical Reclaimed Rubber
Latex Dipped, Latex-Extruded, and Latex-Molded

Rubber³

Leather (40 CFR-part 425)

Gloves
Luggage

Latex Foam⁴

Soap and Detergent Manufacturing (40 CFR part 417)

Soap Manufacture by Batch Kettle

Fatty Acid Manufacture by Fat Splitting
Soap Manufacture by Fatty Acid Neutralization
Glycerine Concentration
Glycerine Distillation
Manufacture of Soap Flakes and Powders
Manufacture of Bar Soaps
Manufacture of Liquid Soaps
Manufacture of Spray Dried Detergents
Manufacture of Liquid Detergents
Manufacture of Dry Blended Detergents
Manufacture of Drum Dried Detergents
Manufacture of Detergent Bars and Cakes

Textile Mills (40 CFR part 410)

Apparel manufacturing
Cordage and Twine
Padding and Upholstery Filling

Timber Products Processing (40 CFR part 429)

Barking Process
Finishing Processes
Hardboard - Dry Process

[51 FR 36372, Oct. 9, 1986]

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

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

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

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APPENDIX E TO PART 403 – SAMPLING PROCEDURES

I. COMPOSITE METHOD

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

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

II. GRAB METHOD

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

[49 FR 31225, Aug. 3, 1984]

APPENDIX F [RESERVED]

This document incorporates revisions made to the Part 403 regulations, as published in 70 FR 59848 - 59889 (October 13, 2005) and 70 FR 60191 - 60198 (October 14, 2005). EPA has made every effort to ensure that this document is accurate. In July 2006, the codified version of Part 403 will appear in the Code of Federal Register (CFR).

APPENDIX G TO PART 403 -- POLLUTANTS ELIGIBLE FOR A REMOVAL CREDIT

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

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

Key:

LA--land application.

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

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

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

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II. Additional Pollutants Eligible for a Removal Credit
 [Milligrams per kilogram -- dry weight basis]

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

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Zinc.....	4500	4500	4500
-----------	------	------	------

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

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

\3\Value expressed in grams per kilogram--dry weight basis.

Key: LA--land application.

I--incineration.

[60 FR 54768, Oct. 25, 1995, as amended at 65 FR 42567, Aug. 4, 1999]

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dpowers@mwyusa.com

From: Vickie Enloe <V@EnloeEnterprise.com>
Sent: Tuesday, April 10, 2012 6:24 PM
To: dpowers@mwyusa.com
Subject: Fwd: Burnished submittal information
Attachments: Willard High School Addition.pdf; Normal Weight 4x8x16.pdf; Normal Weight 6x8x16.pdf; Normal Weight 8x8x16.pdf; Normal Weight 10x8x16.pdf; Normal Weight 12x8x16.pdf; Block Test Results - Eau Claire 2007.pdf; Burnished Block Test Results.pdf; F&R Certificate of Analysis.pdf; Fire Ratings of Approved Concrete Block.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

David, here is a recent submittal from another project.

In a nutshell differences with Premier:

- sent with out sealer. If block gets full of water will dry during construction better. Sealer is provided no charge for field coat.
- high 8" compressive strength 6500psi vs 1900psi per ASTM C-90 requirement
- low absorption 7 pcf vs 13 per ASTM C-90

Hope this helps.

It was a very agreeable separation with Premier. We can talk about it over lunch next time I am in NWA. See you soon,
Vickie

Vickie Enloe • Enloe Enterprise LLC
800 373 • 6563 V@EnloeEnterprise.com 4928 Holly Street
816 561 • 9229 www.EnloeEnterprise.com Kansas City • MO 64112
816 561 • 3883 f

Begin forwarded message:

From: Jean Dwyer <jean.dwyer@premierblock.com>
Subject: Burnished submittal information
Date: February 28, 2012 1:10:11 PM CST
To: 'Vickie Enloe' <V@EnloeEnterprise.com>

Here is the Burnished information for the Willard High School Addition

Jean Dwyer
Administrative Assistant
Premier Block Corporation
Eau Claire, WI
Phone: (715)552-8079 ext. 101
Fax: (715)552-8116

APPENDIX B

City Water and Light
NPDES Permits

Eastside NPDES
Permit No. AR0043401

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

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

The applicant's mailing address is:

City Water and Light Plant of the City of Jonesboro
Eastside Wastewater Treatment Plant
400 East Monroe
Jonesboro, AR 72403

The facility address is:

City Water and Light Plant of the City of Jonesboro
Eastside Wastewater Treatment Plant
5205 Ingels Road
Jonesboro, AR 72404

is authorized to discharge treated municipal wastewater from a facility located as follows: approximately one mile west of the intersection of AR Hwy 463 and Ingels Road in Craighead County, Arkansas.

Latitude: 35° 47' 29.32"; Longitude: 90° 38' 00.18"

to receiving waters named:

Whiteman Creek, thence to Little Bay Ditch, thence to Ditch No. 9, thence to Ditch No. 10, thence to Ditch No. 23, thence to St. Francis Bay Straight Slough, thence to Straight Slough, thence to St. Francis Bay, thence to the St. Francis River in Segment 5A of the St. Francis River Basin.

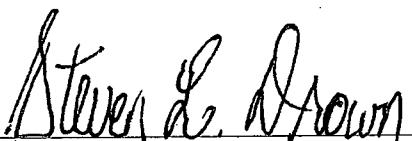
The outfall is located at the following coordinates:

Outfall 001: Latitude: 35° 47' 28.77" Longitude: 90° 37' 51.24"


Discharge shall be in accordance with effluent limitations, monitoring requirements, and other conditions set forth in this permit. Per Part III.D.10, the permittee must re-apply on or before 180 days prior to the expiration of the permit for permit coverage past the expiration date.

The response to comments is attached.

Effective Date: March 1, 2012
Expiration Date: February 28, 2017



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



Issue Date

**PART I
 PERMIT REQUIREMENTS**

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

During the period beginning on the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below from a treatment system consisting of screening, grit removal, extended aeration activated sludge, clarification, chlorination, dechlorination, post aeration, and aerobic sludge digestion with a design flow of 9.0 MGD.

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
Flow	N/A	Report, MGD	Report, MGD (Daily Max.)	once/day	totalizing meter
Carbonaceous Biochemical Oxygen Demand (CBOD5)	1501	20	30	three/week	composite
Total Suspended Solids (TSS)	2252	30	45	three/week	composite
Ammonia Nitrogen (NH3-N)					
(April – October)	158	2.1	5.2	three/week	composite
(November – March)	443	5.9	10.5	three/week	composite
Dissolved Oxygen (DO)					
(May – October)	N/A	5.0, (Inst. Min.)		three/week	grab
(November – April)	N/A	7.0, (Inst. Min.)		three/week	grab
Fecal Coliform Bacteria (FCB)		(colonies/100ml)			
	N/A	1000	2000	three/week	grab
Total Residual Chlorine (TRC) ¹	N/A	<0.1 mg/l (Inst. Max.)		three/week	grab
Total Phosphorus (TP)	Report	Report	Report	once/month	grab
Nitrate + Nitrite Nitrogen (NO3 + NO2-N)	Report	Report	Report	once/month	grab
pH	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	three/week	grab
<u>Whole Effluent Toxicity</u> ⁴ (7-day NOEC) ^{2,3} 22414	<u>Daily Avg.</u> <u>Min.</u> Not < 100%	<u>7-Day Avg. Min.</u> Not < 100%		once/quarter	composite
<u>Pimephales promelas (Chronic)</u> ² Pass/Fail Lethality (7-day NOEC) TLP6C Pass/Fail Growth (7-day NOEC) TGP6C Survival (7-day NOEC) TOP6C Coefficient of Variation (Growth) TQP6C Growth (7-day NOEC) TPP6C		<u>7-Day Average</u> Report (Pass=0/Fail=1) Report (Pass=0/Fail=1) Report % Report % Report %		once/quarter once/quarter once/quarter once/quarter	composite composite composite composite

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
<u>Ceriodaphnia dubia (Chronic)</u> ³ Pass/Fail Lethality (7-day NOEC) TLP3B Pass/Fail production (7-day NOEC) TGP3B Survival (7-day NOEC) TOP3B Coefficient of Variation (Reproduction) TQP3B Reproduction (7-day NOEC) TPP3B			7-Day Average Report (Pass=0/Fail=1) Report (Pass=0/Fail=1) Report % Report % Report %	once/quarter once/quarter once/quarter once/quarter once/quarter	composite composite composite composite composite

- 1 See Condition No. 9 of Part II. (TRC Condition).
- 2 The NOEC (No Observed Effect Concentration) is defined as the greatest effluent dilution at and below which toxicity (lethal or sub-lethal) that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Chronic lethal test failure is defined as a demonstration of a statistically significant lethal effect at test completion to a test species at or below the critical dilution. Chronic sub-lethal test failure is defined as a demonstration of a statistically significant sub-lethal effect (i.e., growth or reproduction) at test completion to a test species at or below the critical dilution.
See Condition No. 6 of Part II (WET Testing Condition).
- 4 Lethal end-point limit for *P. promelas* and *C. dubia*.

There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen as defined in Part IV of this permit.

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. Flow shall be measured after chlorine has been added to the wastewater and prior to the chlorine contact chamber. All other samples shall be taken after the final treatment unit and prior to entering the receiving stream.

All and each unauthorized Sanitary Sewer Overflow (SSO) must be reported to ADEQ. See Condition No. 5 of Part II.

SECTION B. PERMIT COMPLIANCE

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

Compliance is required on the effective date of the permit.

**PART II
OTHER CONDITIONS**

1. The operator of this wastewater treatment facility shall be licensed as Class IV by the State of Arkansas in accordance with APCEC Regulation No. 3.
2. For publicly owned treatment works, the 30-day average percent removal for Carbonaceous Biochemical Oxygen Demand (CBOD5) and Total Suspended Solids shall not be less than 85 percent unless otherwise authorized by the permitting authority in accordance with 40 CFR Part 133.102, as adopted by reference in APCEC Regulation No. 6. The permittee must monitor the influent and effluent BOD5 and TSS at least once per year and calculate the percent removal to ensure compliance with the required 85 percent removal. This information must be maintained on site and provided to Department personnel upon request.
3. In accordance with 40 CFR Parts 122.62 (a)(2) and 124.5, this permit may be reopened for modification or revocation and/or reissuance to require additional monitoring and/or effluent limitations when new information is received that actual or potential exceedance of State water quality criteria and/or narrative criteria are determined to be the result of the permittee's discharge(s) to a relevant water body or a Total Maximum Daily Load (TMDL) is established or revised for the water body that was not available at the time of the permit issuance that would have justified the application of different permit conditions at the time of permit issuance.
4. Other Specified Monitoring Requirements

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

- The monitoring and analytical instruments are consistent with accepted scientific practices;
- The requests shall be submitted in writing to the Permits Section of the Water Division of the ADEQ for use of the alternate method or instrument.
- The method and/or instrument is in compliance with 40 CFR Part 136 or approved in accordance with 40 CFR Part 136.5; and
- All associated devices are installed, calibrated, and maintained to insure the accuracy of the measurements and are consistent with the accepted capability of that type of device. The calibration and maintenance shall be performed as part of the permittee's laboratory Quality Control/Quality Assurance program.

Upon written approval of the alternative monitoring method and/or analytical instruments, these methods or instruments must be consistently utilized throughout the monitoring period.

ADEQ must be notified in writing and the permittee must receive written approval from ADEQ if the permittee decides to return to the original permit monitoring requirements.

5. Sanitary Sewer Overflow (SSO):

A. An overflow is any spill, release or diversion of sewage from a sanitary sewer collection system, including:

1. An overflow that results in a discharge to waters of the state; and
2. An overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately owned sewer or building lateral), even if that overflow does not reach waters of the state.

B. Immediate Reporting

All overflows shall be reported to the Enforcement Branch of the Water Division by telephone (501-682-0638), facsimile (501-682-0910), or by using the Department web site at waterenfssso@adeq.state.ar.us within 24 hours from the time the permittee becomes aware of the circumstance.

At a minimum the report shall identify:

1. The location(s) of overflow;
2. The receiving water (If there is one);
3. The duration of overflow;
4. Cause of overflow; and
5. The estimated volume of overflow (MG).

C. Discharge Monitoring Reports (DMRs)

The permittee shall report every month all overflows with the Discharge Monitoring Report (DMR) submittal. These reports shall be summarized and reported in tabular format with the minimum following information. The permittee may use the ADEQ Forms which may be obtained from the following web sites:

http://www.adeq.state.ar.us/water/branch_permits/pdfs_forms/sso_tabular_report.pdf
or http://www.adeq.state.ar.us/water/branch_enforcement/forms/sso_report.asp

1. The location(s) of overflow;
2. The receiving water (If there is one);
3. The duration of overflow;
4. Cause of overflow;
5. The estimated volume of overflow (MG);

6. A description of the sewer system component from which the release occurred (e.g., manhole, constructed overflow pipe, crack in pipe);
7. The estimated date and time when the overflow began and stopped or will be stopped;
8. The cause or suspected cause of the overflow;
9. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
10. If reasonably made, an estimate of the number of persons who came into contact with wastewater from the overflow; and
11. Steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps.

6. WHOLE EFFLUENT TOXICITY LIMITS (7-DAY CHRONIC NOEC FRESHWATER)

1. SCOPE AND METHODOLOGY

- a. The permittee shall test the effluent for toxicity in accordance with the provisions in this section.

APPLICABLE TO FINAL OUTFALL(S):	001
REPORTED ON DMR AS FINAL OUTFALL:	001
CRITICAL DILUTION (%):	100%
EFFLUENT DILUTION SERIES (%):	32%, 42%, 56%, 75%, & 100%
LETHAL LIMIT:	100%
TESTING FREQUENCY:	once/quarter
COMPOSITE SAMPLE TYPE:	Defined at PART I
TEST SPECIES/METHODS:	40 CFR Part 136

Ceriodaphnia dubia chronic static renewal survival and reproduction test, Method 1002.0, EPA-821-R-02-013, or the most recent update thereof. This test should be terminated when 60% of the surviving females in the control produce three broods or at the end of eight days, whichever comes first.

Pimephales promelas (Fathead minnow) chronic static renewal 7-day larval survival and growth test, Method 1000.0, EPA-821-R-02-013, or the most recent update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

- b. The NOEC (No Observed Effect Concentration) is herein defined as the greatest effluent dilution at and below which toxicity (lethal or sub-lethal) that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Chronic lethal test failure is defined as a demonstration of a statistically significant lethal effect at test completion to a test species at or below the critical dilution. Chronic sub-lethal test failure is defined as a demonstration of a statistically significant sub-lethal effect (i.e., growth or reproduction) at test completion to a test species at or below the critical dilution.
- c. The conditions of this item are effective beginning with the effective date of the WET limit. When the testing frequency stated above is less than monthly and the effluent fails the lethal or sub-lethal endpoint at or below the required limit specified in Item 1.a., the permittee shall be considered in violation of this permit limit and the frequency for the affected species will increase to monthly until such time compliance with the No Observed Effect Concentration (NOEC) effluent limitation is demonstrated for a period of three consecutive months, at which time the permittee may return to the testing frequency stated in PART I of this permit. During the period the permittee is out of compliance, test results shall be reported on the DMR for that reporting period. The purpose of additional tests (also referred to as 'retests' or confirmation tests) is to determine the duration of a toxic event. A test that meets all test acceptability criteria and demonstrates significant toxic effects does not need additional confirmation. Such testing cannot confirm or disprove a previous test result.
- d. This permit may be reopened to require chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

2. REQUIRED TOXICITY TESTING CONDITIONS

a. Test Acceptance

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:

- i. The toxicity test control (0% effluent) must have survival equal to or greater than 80%.
- ii. The mean number of Ceriodaphnia dubia neonates produced per surviving female in the control (0% effluent) must be 15 or more.
- iii. 60% of the surviving control females must produce three broods.

- iv. The mean dry weight of surviving Fathead minnow larvae at the end of the 7 days in the control (0% effluent) must be 0.25 mg per larva or greater.
- v. The percent coefficient of variation between replicates shall be 40% or less in the control (0% effluent) for: the young of surviving females in the Ceriodaphnia dubia reproduction test, the growth and survival of the Fathead minnow test.
- vi. The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal or sub-lethal effects are exhibited for: the young of surviving females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints in the Fathead minnow test.
- vii. If a test passes, yet the percent coefficient of variation between replicates is greater than 40% in the control (0% effluent) and/or in the critical dilution for: the young of surviving females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints of the Fathead minnow test, the test is determined to be invalid. A repeat test shall be conducted within the required reporting period of any test determined to be invalid.
- viii. If a test fails, test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%.
- ix. A Percent Minimum Significant Difference (PMSD) range of 13 - 47 for Ceriodaphnia dubia reproduction;
- x. A PMSD range of 12 - 30 for Fathead minnow growth.

b. Statistical Interpretation

- i. For the Ceriodaphnia dubia survival test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be Fisher's Exact Test as described in EPA-821-R-02-013 or the most recent update thereof.
- ii. For the Ceriodaphnia dubia reproduction test and the Fathead minnow larval survival and growth test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in EPA-821-R-02-013, or the most recent update thereof.

- iii. If the conditions of Test Acceptability are met in Item 2.a above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution concentration and all lower dilution concentrations, the test shall be considered to be a passing test, and the permittee shall report a survival NOEC of not less than the critical dilution for the DMR reporting requirements found in Item 3 below.

c. Dilution Water

- i. Dilution water used in the toxicity tests will be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar pH, hardness, and alkalinity to the closest downstream perennial water where the receiving stream is classified as intermittent or where the receiving stream has no flow due to zero flow conditions.
- ii. If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria of Item 2.a), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:
 - (A) a synthetic dilution water control which fulfills the test acceptance requirements of Item 2.a was run concurrently with the receiving water control;
 - (B) the test indicating receiving water toxicity has been carried out to completion (i.e., 7 days);
 - (C) the permittee includes all test results indicating receiving water toxicity with the full report and information required by Item 3.a below; and
 - (D) the synthetic dilution water shall have a pH, hardness, and alkalinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water.

d. Samples and Composites

- i. The permittee shall collect a minimum of three flow-weighted composite samples from the outfall(s) listed at Item 1.a above. Unless otherwise stated in this section, a composite sample for WET shall consist of a minimum of 12 subsamples gathered at equal time intervals during a 24-hour period.

- ii. The permittee must collect all three flow-weighted composite samples within the monitoring period. The permittee shall collect second and third composite samples for use during 24-hour renewals of each dilution concentration for each test. The permittee must collect the composite samples such that the effluent samples are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on a regular or intermittent basis.
- iii. The permittee must collect the composite samples so that the maximum holding time for any effluent sample shall not exceed 72 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first composite sample. Samples shall be chilled to between 0 and 6 degrees Centigrade during collection, shipping, and/or storage.
- iv. If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions and the sample holding time are waived during that sampling period. However, the permittee must have collected an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 3 of this section
- v. MULTIPLE OUTFALLS: If the provisions of this section are applicable to multiple outfalls, the permittee shall combine the composite effluent samples in proportion to the average flow from the outfalls listed in Item 1.a above for the day the sample was collected. The permittee shall perform the toxicity test on the flow-weighted composite of the outfall samples.
- vi. If chlorination is part of the treatment process, the permittee shall not allow the sample to be dechlorinated at the laboratory. At the time of sample collection the permittee shall measure the TRC of the effluent. The measured concentration of TRC for each sample shall be included in the lab report submitted by the permittee.

3. REPORTING

- a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this section in accordance with the Report Preparation Section of EPA-821-R-02-013, or the most current publication, for every valid or invalid toxicity test initiated whether carried to completion or not. The permittee shall retain

each full report pursuant to the provisions of PART III.C.7 of this permit. The permittee shall submit full reports. For any test which fails, is considered invalid or which is terminated early for any reason, the full report must be submitted for agency review.

- b. The permittee shall report the Whole Effluent Toxicity values for the 30-Day Average Minimum and the 7-Day Minimum under Parameter No. 22414 on the DMR for that reporting period in accordance with PART III.D.4 of this permit.
 - i. If more than one valid test for a species was performed during the reporting period, the test NOECs will be averaged arithmetically and reported as the DAILY AVERAGE MINIMUM NOEC for that reporting period.
 - ii. If more than one species is tested during the reporting period (in accordance with item 1.a.), the permittee shall report the lowest 30-Day Average Minimum NOEC and the lowest 7-Day Minimum NOEC for Whole Effluent Toxicity.
 - iii. A valid test for each species must be reported on the DMR during each reporting period specified in PART I of this permit. Only ONE set of WET test data for each species is to be recorded on the DMR for each reporting period. The data submitted should reflect the LOWEST lethal and sub-lethal effects results for each species during the reporting period. The full reports for all invalid tests, repeat tests (for invalid tests), and retests (for tests previously failed) performed during the reporting period must be attached to the DMR for Agency review.
- c. The permittee shall submit the results of the valid toxicity test on the DMR for that reporting period in accordance with PART III.D.4 of this permit, as follows below. Submit retest information clearly marked as such with the following month's DMR. Only results of valid tests are to be reported on the DMR.
 - i. Pimephales promelas (Fathead minnow)
 - A. If the No Observed Effect Concentration (NOEC) for survival is less than or equal to the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TLP6C
 - B. Report the NOEC value for survival, Parameter No. TOP6C
 - C. Report the NOEC value for growth, Parameter No. TPP6C
 - D. If the NOEC for growth is less than or equal to the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TGP6C

E. Report the highest (critical dilution or control) Coefficient of Variation for growth, Parameter No. TQP6C

ii. Ceriodaphnia dubia

A. If the NOEC for survival is less than or equal to the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TLP3B

B. Report the NOEC value for survival, Parameter No. TOP3B

C. Report the NOEC value for reproduction, Parameter No. TPP3B

D. If the NOEC for reproduction is less than or equal to the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TGP3B

E. Report the higher (critical dilution or control) Coefficient of Variation for reproduction, Parameter No. TQP3B

4. TOXICITY REDUCTION EVALUATIONS (TREs)

TREs for lethal and sub-lethal effects are performed in a very similar manner. EPA Region 6 is currently addressing TREs as follows: a sub-lethal TRE (TRE_{SL}) is triggered based on three sub-lethal test failures while a lethal effects TRE (TRE_L) is triggered based on only two test failures for lethality. In addition, EPA Region 6 will consider the magnitude of toxicity and use flexibility when considering a TRE_{ST}, where there are no effects at effluent dilutions of 75% or lower.

a. Within ninety (90) days of confirming persistent toxicity, the permittee shall submit a Toxicity Reduction Evaluation (TRE) Action Plan and Schedule for conducting a TRE. The TRE Action Plan shall specify the approach and methodology to be used in performing the TRE. A Toxicity Reduction Evaluation is an investigation intended to determine those actions necessary to achieve compliance with water quality-based effluent limits by reducing an effluent's toxicity to an acceptable level. A TRE is defined as a step-wise process which combines toxicity testing and analyses of the physical and chemical characteristics of a toxic effluent to identify the constituents causing effluent toxicity and/or treatment methods which will reduce the effluent toxicity. The goal of the TRE is to maximally reduce the toxic effects of effluent at the critical dilution and includes the following:

i. Specific Activities. The plan shall detail the specific approach the permittee intends to utilize in conducting the TRE. The approach may include toxicity characterizations, identifications and confirmation activities, source evaluation, treatability studies, or alternative approaches. When the permittee conducts

Toxicity Characterization Procedures the permittee shall perform multiple characterizations and follow the procedures specified in the documents 'Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures' (EPA-600/6-91/003) and 'Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I' (EPA-600/6-91/005F), or alternate procedures. When the permittee conducts Toxicity Identification Evaluations and Confirmations, the permittee shall perform multiple identifications and follow the methods specified in the documents 'Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity' (EPA/600/R-92/080) and 'Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity' (EPA/600/R-92/081), as appropriate.

The documents referenced above may be obtained through the National Technical Information Service (NTIS) by phone at (703) 487-4650, or by writing:

U.S. Department of Commerce
National Technical Information Service
5285 Port Royal Road
Springfield, VA 22161

- ii. Sampling Plan (e.g., locations, methods, holding times, chain of custody, preservation, etc.). The effluent sample volume collected for all tests shall be adequate to perform the toxicity test, toxicity characterization, identification and confirmation procedures, and conduct chemical specific analyses when a probable toxicant has been identified;
- iii. Where the permittee has identified or suspects specific pollutant(s) and/or source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical specific analyses for the identified and/or suspected pollutant(s) and/or source(s) of effluent toxicity. Where lethality was demonstrated within 48 hours of test initiation, each composite sample shall be analyzed independently. Otherwise the permittee may substitute a composite sample, comprised of equal portions of the individual composite samples, for the chemical specific analysis;
- iv. Quality Assurance Plan (e.g., QA/QC implementation, corrective actions, etc.); and
- v. Project Organization (e.g., project staff, project manager, consulting services, etc.).

- b. The permittee shall initiate the TRE Action Plan within thirty (30) days of plan and schedule submittal. The permittee shall assume all risks for failure to achieve the required toxicity reduction.
- c. The permittee shall submit a quarterly TRE Activities Report, with the Discharge Monitoring Report in the months of January, April, July and October, containing information on toxicity reduction evaluation activities including:
 - i. any data and/or substantiating documentation which identifies the pollutant(s) and/or source(s) of effluent toxicity;
 - ii. any studies/evaluations and results on the treatability of the facility's effluent toxicity; and
 - iii. any data which identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant toxicity at the critical dilution.

A copy of the TRE Activities Report shall also be submitted to the state agency.

- d. The permittee shall submit a Final Report on Toxicity Reduction Evaluation Activities no later than twenty-eight (28) months from confirming toxicity in the retests, which provides information pertaining to the specific control mechanism selected that will, when implemented, result in reduction of effluent toxicity to no significant toxicity at the critical dilution. The report will also provide a specific corrective action schedule for implementing the selected control mechanism.

A copy of the Final Report on Toxicity Reduction Evaluation Activities shall also be submitted to the state agency.

- e. Quarterly testing during the TRE is a minimum monitoring requirement. EPA recommends that permittees required to perform a TRE not rely on quarterly testing alone to ensure success in the TRE, and that additional screening tests be performed to capture toxic samples for identification of toxicants. Failure to identify the specific chemical compound causing toxicity test failure will normally result in a permit limit for whole effluent toxicity limits per federal regulations at 40 CFR 122.44(d)(1)(v).

5. TOXICITY RE-OPENER

- a. If the TRE has identified the source of toxicity and led to the successful elimination of effluent toxicity at the critical dilution, the sub-lethal WET final effluent limits may be replaced by monitoring and reporting only requirement. Otherwise, the permittee must comply with the final sub-lethal WET effluent limits.

- b. If the TRE has not led to the successful elimination of effluent toxicity at the critical dilution, but has identified a causal parameter, the sub-lethal WET final effluent limit may be replaced by monitoring and reporting only requirement, with the addition of a limit for the causal parameter.

6. MONITORING FREQUENCY REDUCTION

This section does not apply to any species for which the permit establishes whole effluent toxicity (WET) limits. For the first five years after the effective date of a WET limit, the minimum monitoring frequency for the affected species is once per quarter or once per month (in accordance with Item 1.a.).

- a. The permittee may apply for a testing frequency reduction upon the successful completion of the first four consecutive quarters or first twelve consecutive months (in accordance with Item 1.a.) of testing for a test species, with no lethal or sub-lethal effects demonstrated at or below the critical dilution. If granted, the monitoring frequency for that test species may be reduced to not less than once per year for the less sensitive species (usually the Fathead minnow) and not less than twice per year for the more sensitive test species (usually the Ceriodaphnia dubia).
- b. CERTIFICATION - The permittee must certify in writing that no test failures have occurred and that all tests meet all test acceptability criteria in item 2.a. above. In addition the permittee must provide a list with each test performed including test initiation date, species, NOECs for lethal and sub-lethal effects and the maximum coefficient of variation for the controls. Upon review and acceptance of this information the agency will issue a letter of confirmation of the monitoring frequency reduction. A copy of the letter will be forwarded to the agency's Permit Compliance System section to update the permit reporting requirements.
- c. SUB-LETHAL OR SURVIVAL FAILURES - If any test fails the survival or sub-lethal endpoint at any time during the life of this permit, three monthly retests are required and the monitoring frequency for the affected test species shall be increased to once per quarter until the permit is re-issued. Monthly retesting is not required if the permittee is performing a TRE.
- d. This monitoring frequency reduction applies only until the expiration date of this permit, at which time the monitoring frequency for both test species reverts to once per quarter until the permit is re-issued.

Any monitoring frequency reduction granted applies only until the expiration date of this permit, at which time the monitoring frequency for both test species reverts to once per quarter until the permit is re-issued.

7. Land Application of Biosolids Permit Coverage

The permittee submitted an application for separate permit coverage for the land application of biosolids on October 31, 2011. The additional conditions for land application of biosolids in Condition #8 will expire one year from the effective date of this permit or when other coverage is obtained whichever comes first.

8. Additional Conditions For Land Application Of Biosolids

1. The waste disposal system shall be operated in accordance with the Waste Management Plan (WMP) approved by the Department.
2. Plant Available Nitrogen (PAN) shall not be applied at a rate exceeding the annual nitrogen uptake of the crop or allowed to exceed the site specific rate approved by the Department. The PAN shall be calculated using the following equations:

Surface applied waste: $PAN = 0.3(TKN - NH_3) + 0.5NH_3 + NO_3 + NO_2$
 Incorporated waste: $PAN = 0.3(TKN - NH_3) + NH_3 + NO_3 + NO_2$

3. Land application sites consist of the following fields:

Field Number	Quarter Section	Section	Township	Range	Total Acres	Available Acres	Loading Rate (tons/year)
1	W 1/2 of NE 1/4	2	13 North	4 East	80.97	45.36	132
2	N 1/2 of NW 1/4	2	13 North	4 East	69.99	51.45	235
3	SE 1/4 of SW 1/4	35	14 North	4 East	35.86	22.12	0
4	SW 1/4 of SE 1/4	35	14 North	4 East	40.00	28.37	77
5	SE 1/4 of SE 1/4	35	14 North	4 East	40.00	30.13	0
6	SE 1/4 of NE 1/4	2	13 North	4 East	17.41	8.32	10
7	SW 1/4 of NW 1/4	2	13 North	4 East	20.00	14.81	81
8	SE 1/4 of NW 1/4	2	13 North	4 East	40.85	28.26	126
9	SE 1/4 of NE 1/4	2	13 North	4 East	23.46	19.62	169
10	NW 1/4 of SW 1/4	2	13 North	4 East	20.24	11.92	42
11	NE 1/4 of SW 1/4	2	13 North	4 East	40.42	6.23	21
12	NE 1/4 of SE 1/4	2	13 North	4 East	40.30	17.68	227

Field Number	Quarter Section	Section	Township	Range	Total Acres	Available Acres	Loading Rate (tons/year)
13	SE 1/4 of SW 1/4	2	13 North	4 East	40.75	31.68	88
14	SE 1/4 of SE 1/4	2	13 North	4 East	40.00	30.56	12

4. The biosolids generator must issue a signed certification stating that the Pathogen Reduction, Vector Attraction Reduction, and Pollutant Concentration Limits have been met. The State requirements on Pathogen Reduction, Vector Attraction Reduction, and Pollutant Concentration Limits are the same as those listed in 40 CFR Part 503. All the above information must be made available to the land-applicator before the biosolids materials are delivered. Concurrently, a signed copy of each certification must be also submitted to the ADEQ Water Division.
5. Biosolids can only be stored in accordance with the permit and the approved waste management plan, if provisions are made in the plan for that purpose. The utilization of improvised field storage sites or any other site not approved by the Department is prohibited.
6. Transportation of the biosolids must be such that will prevent the attraction, harborage or breeding of insects or rodents. It must not produce conditions harmful to public health, the environment, odors, unsightliness, nuisances, or safety hazards.
7. The containers used for the transportation of the biosolids must be of the closed type. Transportation equipment must be leak-proof and kept in sanitary condition at all times. Biosolids must be enclosed or covered as to prevent littering, vector attraction, or any other nuisances.
8. The permittee shall be responsible for assuring that the landowner, and the waste applicator (if different from the permittee) abide by the conditions of this permit.
9. Waste shall be land applied by subsoil injection to a depth of 6 - 8 inches or surface applied. Surface applied waste must be evenly distributed over the entire application area.
10. Waste shall not be applied to slopes with a gradient greater than 12%; or to soils that are saturated, frozen or covered with snow, and during rain or when precipitation is imminent, meaning a substantial natural occurrence of precipitation that could cause significant damage to property or threaten human life in the near future.

11. Disposal of waste in a flood plain shall not restrict the flow of the base flood, reduce the temporary storage capacity of the flood plain, or result in a washout of solid waste, so as to pose a hazard to human life, wildlife or land and water uses.
12. Waste shall not be spread within; 50 feet of property lines and rock outcrops; 100 feet of lakes, ponds, springs, wetlands, streams, and sinkholes; 200 feet of drinking water wells; 300 feet of occupied buildings or bodies of water classified as an "extraordinary resource body of water."
13. The soil pH of the sludge application sites must be adjusted with lime in accordance with the University of Arkansas Cooperative Extension Service. Representative soil samples must be taken in accordance with Condition Number 14. If the resulting pH is 5.7 or lower, lime must be applied in accordance with the soil test recommendations. Soil pH is to be monitored in an annual basis and adjusted, if necessary, to the above requirements.
14. The permittee is responsible for the biosolids analyses, soil analyses, and reporting schedule in accordance with the requirements in the following tables.

TABLE I				
Waste Analysis, Reporting, and Record Keeping				
Parameter	Ceiling Concentrations (mg/kg)	Cumulative Pollutant Loading Rate (lb/ac)	Monitoring Frequency	Reporting
Arsenic	75	37	Quarterly	Annually by May 1
Cadmium	85	35	Quarterly	Annually by May 1
Copper	4300	1350	Quarterly	Annually by May 1
Lead	840	270	Quarterly	Annually by May 1
Mercury	57	15	Quarterly	Annually by May 1
Molybdenum	75	Report	Quarterly	Annually by May 1
Nickel	420	378	Quarterly	Annually by May 1
Selenium	100	90	Quarterly	Annually by May 1
Zinc	7500	2520	Quarterly	Annually by May 1
Chromium	Report	Report	Quarterly	Annually by May 1
Polychlorinated Biphenyls (PCB's)	50	N/A	Quarterly	Annually by May 1

TABLE II				
Waste Analysis, Reporting, and Record Keeping				
Parameter	Maximum Limit	Reporting Units	Monitoring Frequency	Reporting
Total Solids	Report	Percentage (%)	Quarterly	Annually by May 1
Nitrate Nitrogen	Report	mg/kg	Quarterly	Annually by May 1
Nitrite Nitrogen	Report	mg/kg	Quarterly	Annually by May 1
Ammonia Nitrogen	Report	mg/kg	Quarterly	Annually by May 1
Total Kjeldahl Nitrogen	Report	mg/kg	Quarterly	Annually by May 1

TABLE II				
Waste Analysis, Reporting, and Record Keeping				
Parameter	Maximum Limit	Reporting Units	Monitoring Frequency	Reporting
Total Phosphorus	Report	mg/kg	Quarterly	Annually by May 1
Total Potassium	Report	mg/kg	Quarterly	Annually by May 1
Total Volume Applied	Report	Gallons	Each land application event	Annually by May 1
Application Rate	Nitrogen Uptake of Cover Crop	lb/ac	Prior to land application	Maintain for records

TABLE III			
Soils			
Parameter	Reporting Units	Monitoring Frequency	Reporting
Conductivity	μ mhos/cm	Prior to application	Annually by May 1
Cation Exchange Capacity	meq/100g	Prior to application	Annually by May 1
Nitrate-Nitrogen	mg/kg	Prior to application	Annually by May 1
Phosphorus	mg/kg	Prior to application	Annually by May 1
pH	s.u.	Prior to application	Annually by May 1
Potassium	mg/kg	Prior to application	Annually by May 1
Magnesium	mg/kg	Prior to application	Annually by May 1
Arsenic	mg/kg	Annually	By May 1 of the reporting year
Cadmium	mg/kg	Annually	By May 1 of the reporting year
Chromium	mg/kg	Annually	By May 1 of the reporting year
Copper	mg/kg	Annually	By May 1 of the reporting year
Lead	mg/kg	Annually	By May 1 of the reporting year
Mercury	mg/kg	Annually	By May 1 of the reporting year
Molybdenum	mg/kg	Annually	By May 1 of the reporting year
Nickel	mg/kg	Annually	By May 1 of the reporting year
Selenium	mg/kg	Annually	By May 1 of the reporting year
Zinc	mg/kg	Annually	By May 1 of the reporting year

15. Annual reports must be sent to the Water Division's No Discharge Permits Section and to the owner of the land receiving biosolids prior to May 1, which must include the following:

The biosolids and soil analyses conducted under Condition Number 14 above (including a statement that the analyses were performed in accordance with EPA Document SW-846, "Test Methods for Evaluation of Solid Wastes" or other approved procedures by the Department), application dates, and locations, quantities of biosolids applied in dry tons per acre per year and in gallons per acre per year, methods of disposal, amounts of nutrients applied, total elements added (in that particular year) in lbs per acre, total elements applied to date, and copies of soil analyses.

16. The Permittee shall maintain complete copies of all the reports including the waste and soil analysis as listed in Condition Number 14 above for Department personnel review. In addition, the permittee must keep the land application log that includes records of waste source, waste type, field name or number (locations), application date, volumes of waste applied (in dry tons/acre-year or gallons/acre-year of waste), methods of disposal, identity of hauler, and type of crop grown for Department personnel review.
9. After dechlorination and prior to final disposal, the effluent shall contain NO MEASURABLE TRC at any time. NO MEASURABLE will be defined as no detectable concentration of TRC as determined by any approved method established in 40 CFR Part 136 as less than 0.1 mg/l. Thus, the "no measurable TRC concentration" for chlorine becomes the permit limit. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes. TRC shall be measured within fifteen (15) minutes of sampling.

10. Contributing Industries and Pretreatment Requirements

The permittee shall operate an industrial Pretreatment Program in accordance with Section 402(b)(8) of the Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403) and the approved POTW Pretreatment Program submitted by the permittee. The Pretreatment Program was approved on 11/1/83, modified on 5/15/90, modified again on 12/2/93 and 5/11/99. The POTW Pretreatment Program is hereby incorporated by reference and shall be implemented in a manner consistent with the following requirements:

- A. The following pollutants may not be introduced into the treatment facility:

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

- (2) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works are specifically designed to accommodate such discharges;
 - (3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, resulting in Interference;
 - (4) Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;
 - (5) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 deg. C (104 deg. F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;
 - (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
 - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and
 - (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- B. The permittee shall require any indirect discharger to the treatment works to comply with the reporting requirements of Sections 204(b), 307, and 308 of the Act, including any requirements established under 40 CFR Part 403.
- C. The permittee shall analyze the treatment facility influent and effluent for the presence of the toxic pollutants listed in 40 CFR 122 Appendix D (NPDES Application Testing Requirements) Table II at least once/year and the toxic pollutants in Table III at least 4 times/year in each quarter (Jan-Mar, Apr-Jun, Jul-Sep & Oct-Dec). If, based upon information available to the permittee, there is reason to suspect the presence of any toxic or hazardous pollutant listed in Table V, or any other pollutant, known or suspected to adversely affect treatment plant operation, receiving water quality, or solids disposal procedures, analysis for those pollutants shall be performed at least 4 times/year in each quarter on both the influent and the effluent.

The influent and effluent samples collected shall be composite samples consisting of at least 12 aliquots collected at approximately equal intervals over a representative 24 hour period and composited according to flow. Sampling and analytical procedures shall be in accordance with guidelines established in 40 CFR 136. Where composite samples are

inappropriate, due to sampling, holding time, or analytical constraints, at least 4 grab samples, taken at equal intervals over a representative 24 hour period, shall be taken.

The laboratory results must be posted on the influent-effluent chart shown below. This chart must be submitted each year by December 31st with the annual report required by NPDES permit number AR0037907.

D. The permittee shall provide adequate notice to the Department of the following:

- (1) Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 or 306 of the Act if it were directly discharging those pollutants; and
- (2) Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.
- (3) Any notice shall include information on (i) the quality and quantity of effluent to be introduced into the treatment works, and (ii) any anticipated impact of the change on the quality or quantity of effluent to be discharged from the POTW.

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MONITORING RESULTS FOR THE ANNUAL PRETREATMENT REPORT

REPORTING YEAR: _____, 20____ TO _____, 20____

TREATMENT PLANT: City of _____ NPDES PERMIT #AR00

AVERAGE POTW FLOW: _____ MGD % IU FLOW: _____ %

METALS, CYANIDE and PHENOLS (Total)	MAHL mg/l (2)	INFLUENT DATES SAMPLED (mg/l) Once/quarter				WQ level/ limit mg/l (2)	EFFLUENT DATES SAMPLED (mg/l) Once/quarter				LABORATORY ANALYSIS		
											EPA MQL (µg/l) (1)	EPA Method Used (1)	Detection Level Achieved (µg/l)
Antimony	N/A					N/A					60		
Cadmium											0.5		
Copper											0.5		
Lead											0.5		
Mercury											.005		
Nickel											0.5		
Selenium											5		
Silver											0.5		
Zinc											20		
Chromium											10		
Cyanide											10		
Arsenic											0.5		
Molybdenum						N/A					-		
Phenols	N/A					N/A					5		

METALS, CYANIDE and PHENOLS (Total)	MAHL mg/l (2)	INFLUENT DATES SAMPLED (mg/l) Once/quarter				WQ level/ limit mg/l	EFFLUENT DATES SAMPLED (mg/l) Once/quarter				LABORATORY ANALYSIS			
Beryllium												0.5		
Thallium	N/A					N/A						0.5		
Flow, MGD	N/A					N/A								
(3)														

- (1) It is advised that the influent and effluent samples are collected considering flow detention time through each plant. Analytical MQLs must be met for the effluent (and SHOULD be met for the influent) so the data can also be used for Local Limits assessment and NPDES application purposes.
- (2) This value was calculated during the development of TBLL based on State WQ criteria, EPA guidance and ADEQ Pretreatment staff Excel spreadsheets.
- (3) Record the name of any pollutant [40 CFR 122, Appendix D, Table II and/or Table V] detected and the quantity at which they were detected.

MAHL - Maximum Allowable Headworks Level

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

**PART III
STANDARD CONDITIONS**

SECTION A – GENERAL CONDITIONS

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Water Act and the Arkansas Water and Air Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; and/or for denial of a permit renewal application. **Any values reported in the required Discharge Monitoring Report (DMR) which are in excess of an effluent limitation specified in Part I shall constitute evidence of violation of such effluent limitation and of this permit.**

2. Penalties for Violations of Permit Conditions

The Arkansas Water and Air Pollution Control Act provides that any person who violates any provisions of a permit issued under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year, or a fine of not more than twenty-five thousand dollars (\$25,000) or by both such fine and imprisonment for each day of such violation. Any person who violates any provision of a permit issued under the Act may also be subject to civil penalty in such amount as the court shall find appropriate, not to exceed ten thousand dollars (\$10,000) for each day of such violation. The fact that any such violation may constitute a misdemeanor shall not be a bar to the maintenance of such civil action.

3. Permit Actions

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

- A. Violation of any terms or conditions of this permit; or
- B. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- C. A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- D. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.
- E. Failure of the permittee to comply with the provisions of APCEC Regulation No. 9 (Permit fees) as required by Part III.A.10. herein.

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

4. Toxic Pollutants

Notwithstanding Part III.A.3., if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under APCEC Regulation No. 2, as amended, or Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitations on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standards or prohibition and the permittee so notified.

The permittee shall comply with effluent standards, narrative criteria, or prohibitions established under APCEC Regulation No. 2, as amended, or Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" (Part III.B.4.a.), and "Upsets" (Part III.B.5.b), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of this permit or applicable state and federal statutes or regulations which defeats the regulatory purposes of the permit may subject the permittee to criminal enforcement pursuant to the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

6. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 of the Clean Water Act.

7. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act.

8. Property Rights

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

9. Severability

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

10. Applicable Federal, State or Local Requirements

Permittees are responsible for compliance with all applicable terms and conditions of this permit. Receipt of this permit does not relieve any operator of the responsibility to comply with any other applicable federal such as endangered species, state or local statute, ordinance or regulation.

11. Permit Fees

The permittee shall comply with all applicable permit fee requirements for wastewater discharge permits as described in APCEC Regulation No. 9 (Regulation for the Fee System for Environmental Permits). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to terminate this permit under the provisions of 40 CFR Parts 122.64 and 124.5 (d), as adopted in APCEC Regulation No. 6 and the provisions of APCEC Regulation No. 8.

SECTION B – OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

A. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

B. The permittee shall provide an adequate operating staff which is duly qualified to carryout operation, maintenance, and testing functions required to insure compliance with the conditions of this permit.

2. Need to Halt or Reduce not a Defense

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

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment or the water receiving the discharge.

4. Bypass of Treatment Facilities

A. Bypass not exceeding limitation

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts III.B.4.b. and 4.c.

B. Notice

1. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
2. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part III.D.6. (24-hour notice).

C. Prohibition of bypass

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

- (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal or preventive maintenance; and
 - (c) The permittee submitted notices as required by Part III.B.4.b.
2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Part III.B.4.c.(1).

5. Upset Conditions

- A. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Part III.B.5.b. of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- B. Conditions necessary for demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1. An upset occurred and that the permittee can identify the specific cause(s) of the upset;
 - 2. The permitted facility was at the time being properly operated.
 - 3. The permittee submitted notice of the upset as required by Part III.D.6.; and
 - 4. The permittee complied with any remedial measures required by Part III.B.3.
- C. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of waste waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the waters of the State. Written approval must be obtained from the ADEQ prior to removal of substances. Additionally, the permittee shall give at least 120 days prior notice to the Director of any change planned in the permittee's sludge disposal practice or land use applications, including types of crops grown (if applicable). Produced sludge shall be disposed of by land application only when meeting the following criteria:

- A. Sewage sludge from treatment works treating domestic sewage (TWTDS) must meet the applicable provisions of 40 CFR Part 503; and
- B. The sewage sludge has not been classified as a hazardous waste under state or federal regulations.

7. Power Failure

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

SECTION C – MONITORING AND RECORDS

1. Representative Sampling

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

2. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than +/- 10% from true discharge rates throughout the range of expected discharge volumes and shall be installed at the monitoring point of the discharge.

Calculated Flow Measurement

For calculated flow measurements that are performed in accordance with either the permit requirements or a Department approved method (i.e., as allowed under Part II.4), the +/- 10% accuracy requirement described above is waived. This waiver is only applicable when the method used for calculation of the flow has been reviewed and approved by the Department.

3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. The permittee shall

calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals frequent enough to insure accuracy of measurements and shall insure that both calibration and maintenance activities will be conducted. An adequate analytical quality control program, including the analysis of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory. At a minimum, spikes and duplicate samples are to be analyzed on 10% of the samples.

4. Penalties for Tampering

The Arkansas Water and Air Pollution Control Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year or a fine of not more than ten thousand dollars (\$10,000) or by both such fine and imprisonment.

5. Reporting of Monitoring Results

Monitoring results must be reported on a Discharge Monitoring Report (DMR) form provided by the Department or other form/method approved in writing by the Department (e.g., electronic submittal of DMR once approved). Monitoring results obtained during the previous monitoring period shall be summarized and reported on a DMR form postmarked no later than the 25th day of the month or submitted electronically by 6:00 p.m. of the 25th (after NETDMR is approved), following the completed reporting period beginning on the effective date of the permit. When mailing the DMRs, duplicate copies of the forms signed and certified as required by Part III.D.11 and all other reports required by Part III.D, shall be submitted to the Director at the following address:

Enforcement Branch
Water Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

If permittee uses outside laboratory facilities for sampling and/or analysis, the name and address of the contract laboratory shall be included on the DMR.

6. Additional Monitoring by the Permittee

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

7. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time.

8. Record Contents

Records and monitoring information shall include:

- A. The date, exact place, time and methods of sampling or measurements, and preservatives used, if any;
- B. The individuals(s) who performed the sampling or measurements;
- C. The date(s) and time analyses were performed;
- D. The individual(s) who performed the analyses;
- E. The analytical techniques or methods used; and
- F. The measurements and results of such analyses.

9. Inspection and Entry

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

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

SECTION D – REPORTING REQUIREMENTS

1. Planned Changes

The permittee shall give notice within 180 days and provide plans and specification (if applicable) to the Director for review and approval prior to any planned physical alterations or additions to the permitted facility. In no case are any new connections, increased flows,

removal of substances, or significant changes in influent quality permitted that cause violation of the effluent limitations specified herein.

2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

The permit is nontransferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

4. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Part III.C.5. **Discharge Monitoring Reports must be submitted even when no discharge occurs during the reporting period.**

5. Compliance Schedule

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

6. Twenty-four Hour Report

- A. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain the following information:
1. a description of the noncompliance and its cause;
 2. the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 3. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- B. The following shall be included as information which must be reported within 24 hours:
1. Any unanticipated bypass which exceeds any effluent limitation in the permit;

2. Any upset which exceeds any effluent limitation in the permit and
 3. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part I of the permit to be reported within 24 hours to the Enforcement Section of the Water Division of the ADEQ.
- C. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours to the Enforcement Section of the Water Division of the ADEQ.

7. Other Noncompliance

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

8. Changes in Discharge of Toxic Substances for Industrial Dischargers

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

- A. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 CFR Part 122.42(a)(1); or
- B. That any activity has occurred or will occur which would result in any discharge on a non-routine or infrequent basis of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 CFR Part 122.42(a)(2).

9. Duty to Provide Information

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

10. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The complete application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated in APCEC Regulation No. 6.

11. Signatory Requirements

All applications, reports, or information submitted to the Director shall be signed and certified as follows:

A. All permit applications shall be signed as follows:

1. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operation facilities, provided: the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 2. For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or
 3. For a municipality, State, Federal, or other public agency, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - (a) The chief executive officer of the agency, or
 - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- B. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:**
1. The authorization is made in writing by a person described above.
 2. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 3. The written authorization is submitted to the Director.
- C. Certification. Any person signing a document under this section shall make the following certification:**

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

12. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2 and APCEC Regulation No. 6, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department of Environmental Quality. As required by the Regulations, the name and address of any permit applicant or permittee, permit applications, permits, and effluent data shall not be considered confidential.

13. Penalties for Falsification of Reports

The Arkansas Air and Water Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this permit shall be subject to civil penalties specified in Part III.A.2. and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

14. Applicable Federal, State or Local Requirements

Permittees are responsible for compliance with all applicable terms and conditions of this permit. Receipt of this permit does not relieve any operator of the responsibility to comply with any other applicable federal, state, or local statute, ordinance, policy, or regulation.

PART IV DEFINITIONS

All definitions contained in Section 502 of the Clean Water Act and 40 CFR 122.2 shall apply to this permit and are incorporated herein by reference. Additional definitions of words or phrases used in this permit are as follows:

1. **"Act"** means the Clean Water Act, Public Law 95-217 (33.U.S.C. 1251 et seq.) as amended.
2. **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.
3. **"APCEC"** means the Arkansas Pollution Control and Ecology Commission.
4. **"Applicable effluent standards and limitations"** means all State and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.
5. **"Applicable water quality standards"** means all water quality standards to which a discharge is subject under the federal Clean Water Act and which has been (a) approved or permitted to remain in effect by the Administrator following submission to the Administrator pursuant to Section 303(a) of the Act, or (b) promulgated by the Director pursuant to Section 303(b) or 303(c) of the Act, and standards promulgated under (APCEC) Regulation No. 2, as amended.
6. **"Bypass"** As defined at 122.41(m).
7. **"Composite sample"** is a mixture of grab samples collected at the same sampling point at different times, formed either by continuous sampling or by mixing a minimum of 4 effluent portions collected at equal time intervals (but not closer than one hour apart) during operational hours, within the 24-hour period, and combined proportional to flow or a sample collected at more frequent intervals proportional to flow over the 24-hour period.
8. **"Daily Discharge"** means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.
 - A. **Mass Calculations:** For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of pollutant discharged over the sampling day.
 - B. **Concentration Calculations:** For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
8. **"Daily Maximum"** discharge limitation means the highest allowable "daily discharge" during the calendar month. The 7-day average for Fecal Coliform Bacteria (FCB) or E-Coli is the geometric mean of the values of all effluent samples collected during the calendar week in colonies per 100 ml.
9. **"Department"** means the Arkansas Department of Environmental Quality (ADEQ).
10. **"Director"** means the Director of the Arkansas Department of Environmental Quality.
11. **"Dissolved oxygen limit"**, shall be defined as follows:
 - A. When limited in the permit as a minimum monthly average, shall mean the lowest acceptable monthly average value, determined by averaging all samples taken during the calendar month;

- B. When limited in the permit as an instantaneous minimum value, shall mean that no value measured during the reporting period may fall below the stated value.
12. **"E-Coli"** a sample consists of one effluent grab portion collected during a 24-hour period at peak loads. For E-Coli, report the monthly average as a 30-day geometric mean in colonies per 100 ml.
 13. **"Fecal Coliform Bacteria (FCB)"** a sample consists of one effluent grab portion collected during a 24-hour period at peak loads. For Fecal Coliform Bacteria (FCB) report the monthly average as a 30-day geometric mean in colonies per 100 ml.
 14. **"Grab sample"** means an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.
 15. **"Industrial User"** means a nondomestic discharger, as identified in 40 CFR Part 403, introducing pollutants to a POTW.
 16. **"Instantaneous Maximum"** when limited in the permit as an instantaneous maximum value, shall mean that no value measured during the reporting period may fall above the stated value.
 17. **"Instantaneous Minimum"** an instantaneous minimum value, shall mean that no value measured during the reporting period may fall below the stated value.
 18. **"Monthly average"** means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. For Fecal Coliform Bacteria (FCB) or E-Coli, report the monthly average, (see 30-day average below).
 19. **"National Pollutant Discharge Elimination System"** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 402, 318, and 405 of the Clean Water Act.
 20. **"POTW"** means a Publicly Owned Treatment Works.
 21. **"Severe property damage"** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in products.
 22. **"Sewage sludge"** means the solids, residues, and precipitate separated from or created in sewage by the unit processes at a POTW. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and stormwater runoff that are discharged to or otherwise enter a POTW.
 23. **"7-day average"** Also known as Average weekly. means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.
 24. **"Treatment works"** means any devices and systems used in storage, treatment, recycling, and reclamation of municipal sewage and industrial wastes, of a liquid nature to implement section 201 of the Act, or necessary to recycle reuse water at the most economic cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and alterations thereof; elements essential to provide a

reliable recycled supply such as standby treatment units and clear well facilities, and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

25. **"Upset"** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. Any upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless of improper operations.
26. **"Visible sheen"** means the presence of a film or sheen upon or a discoloration of the surface of the discharge. A sheen can also be from a thin glistening layer of oil on the surface of the discharge.
27. **"MGD"** shall mean million gallons per day.
28. **"mg/l"** shall mean milligrams per liter or parts per million (ppm).
29. **"µg/l"** shall mean micrograms per liter or parts per billion (ppb).
30. **"cfs"** shall mean cubic feet per second.
31. **"ppm"** shall mean parts per million.
32. **"s.u."** shall mean standard units.
33. **"Weekday"** means Monday – Friday.
34. **Monitoring and Reporting:**

When a permit becomes effective, monitoring requirements are of the immediate period of the permit effective date. Where the monitoring requirement for an effluent characteristic is monthly or more frequently, the Discharge Monitoring Report (DMR) shall be submitted by the 25th of the month following the sampling. Where the monitoring requirement for an effluent characteristic is Quarterly, Semi-Annual, Annual, or Yearly, the DMR shall be submitted by the 25th of the month following the monitoring period end date.

A. MONTHLY:

is defined as a calendar month or any portion of a calendar month for monitoring requirement frequency of once/month or more frequently.

B. BI-MONTHLY:

is defined as two (2) calendar months or any portion of 2 calendar months for monitoring requirement frequency of once/2 months or more frequently.

C. QUARTERLY:

1. is defined as a **fixed calendar quarter** or any part of the fixed calendar quarter for a non-seasonal effluent characteristic with a measurement frequency of once/quarter. Fixed calendar quarters are: January through March, April through June, July through September, and October through December; or
2. is defined as a **fixed three month period** (or any part of the fixed three month period) of or dependent upon the seasons specified in the permit for a seasonal effluent characteristic with a monitoring requirement frequency of once/quarter that does not coincide with the fixed calendar quarter. Seasonal calendar quarters are:

May through July, August through October, November through January, and February through April.

D. SEMI-ANNUAL:

is defined as the fixed time periods January through June, and July through December (or any portion thereof) for an effluent characteristic with a measurement frequency of once/6 months or twice/year.

E. ANNUAL or YEARLY:

is defined as a fixed calendar year or any portion of the fixed calendar year for an effluent characteristic or parameter with a measurement frequency of once/year. A calendar year is January through December, or any portion thereof.

Final Fact Sheet

This Fact Sheet is for information and justification of the permit limits only. Please note that it is not enforceable. This permitting decision is for renewal of the discharge Permit Number AR0043401 with Arkansas Department of Environmental Quality (ADEQ) Facility Identification Number (AFIN) 16-00936 to discharge to Waters of the State.

1. PERMITTING AUTHORITY.

The issuing office is:

Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317

2. APPLICANT.

The applicant's mailing address is:

City Water and Light Plant of the City of Jonesboro
Eastside Wastewater Treatment Plant
400 East Monroe
Jonesboro, AR 72403

The facility address is:

City Water and Light Plant of the City of Jonesboro
Eastside Wastewater Treatment Plant
5205 Ingels Road
Jonesboro, AR 72404

3. PREPARED BY.

The permit was prepared by:

Loretta Reiber, P.E.
Staff Engineer
Discharge Permits Section, Water Division
(501) 682-0612
E-mail: reiber@adeq.state.ar.us

4. PERMIT ACTIVITY.

Previous Permit Effective Date: 12/1/2006
Previous Permit Expiration Date: 11/30/2011

The permittee submitted a permit renewal application on 5/24/2011. The discharge permit is reissued for a 5-year term in accordance with regulations promulgated at 40 CFR Part 122.46(a).

DOCUMENT ABBREVIATIONS

In the document that follows, various abbreviations are used. They are as follows:

BAT - best available technology economically achievable
BCT - best conventional pollutant control technology
BMP - best management practices
BOD₅ - five-day biochemical oxygen demand
BPJ - best professional judgment
BPT - best practicable control technology currently available
CBOD₅ - carbonaceous biochemical oxygen demand
CD - critical dilution
CFR - Code of Federal Regulations
cfs - cubic feet per second
COD - chemical oxygen demand
COE - United States Corp of Engineers
CPP - continuing planning process
CWA - Clean Water Act
DMR - discharge monitoring report
DO - dissolved oxygen
ELG - effluent limitation guidelines
EPA - United States Environmental Protection Agency
ESA - Endangered Species Act
FCB - fecal coliform bacteria
gpm - gallons per minute
MGD - million gallons per day
MQL - minimum quantification level
NAICS - North American Industry Classification System
NH₃-N - ammonia nitrogen
NO₃ + NO₂-N - nitrate + nitrite nitrogen
NPDES - National Pollutant Discharge Elimination System
O&G - oil and grease
Reg. 2 - APCEC Regulation No. 2
Reg. 6 - APCEC Regulation No. 6
Reg. 8 - APCEC Regulation No. 8
Reg. 9 - APCEC Regulation No. 9
RP - reasonable potential
SIC - standard industrial classification

TDS - total dissolved solids
TMDL - total maximum daily load
TP - total phosphorus
TRC - total residual chlorine
TSS - total suspended solids
UAA - use attainability analysis
USF&WS - United States Fish and Wildlife Service
WET - Whole effluent toxicity
WQMP - water quality management plan
WQS - Water Quality standards
WWTP - wastewater treatment plant

DMR Review:

The Discharge Monitoring Reports (DMR's) for June 2008 through May 2011 were reviewed during the permit renewal process. No violations of the permit limits were reported during the specified time frame.

Legal Order Review:

There are currently no active Consent Administrative Orders (CAOs) or Notice of Violations (NOVs) for this facility.

5. SIGNIFICANT CHANGES FROM THE PREVIOUSLY ISSUED PERMIT.

The permittee is responsible for carefully reading the permit in detail and becoming familiar with all of the changes therein:

1. The facility coordinates have been changed to the front gate of the facility.
2. The description of the facility location has been modified.
3. The "24-hr composite" sample types have been changed to "composite."
4. The minimum required DO levels are now expressed as instantaneous minimums.
5. Monitoring and reporting requirements for Total Phosphorous and Nitrates plus Nitrites as Nitrogen have been added to the permit.
6. The location of the flow measurement device has been changed to state that it is immediately after chlorine has been added to the wastewater and prior to the contact chamber.
7. The permit now specifies that the licensed operator must have a Class IV license.
8. The sludge land application language is only valid for one year from the effective date of the permit. The permittee is required to obtain separate permit coverage for land application if they want to continue the practice.
9. Parts II, III, and IV have been modified.

10. The monitoring frequencies for DO and TRC have been changed from "once/weekday" to "three/week."
11. The influent CBOD5 must be tested at least once per year.

6. RECEIVING STREAM SEGMENT AND DISCHARGE LOCATION.

The outfall is located at the following coordinates based on Google Earth using WGS84:

Latitude: 35° 47' 28.77" Longitude: 90° 37' 51.24"

The receiving waters named:

Whiteman Creek, thence to Little Bay Ditch, thence to Ditch No. 9, thence to Ditch No. 10, thence to Ditch No. 23, thence to St. Francis Bay Straight Slough, thence to Straight Slough, thence to St. Francis Bay, thence to the St. Francis River in Segment 5A of the St. Francis River Basin. The receiving stream with USGS Hydrologic Unit Code (H.U.C) of 08020203 and reach #022 is a Water of the State classified for secondary contact recreation, raw water source for domestic (public and private), industrial, and agricultural water supplies, propagation of desirable species of fish and other aquatic life, and other compatible uses.

7. 303(d) LIST, ENDANGERED SPECIES, AND ANTI-DEGRADATION CONSIDERATIONS.

A. 303(d) List:

The receiving stream is not listed on the 2008 303(d) list. Therefore no permit action is needed.

B. Endangered Species:

No comments on the application were received from the U.S. Fish and Wildlife Service (USF&WS). The draft permit and Fact Sheet were sent to the USF&WS for their review.

C. Anti-Degradation:

The limitations and requirements set forth in this permit for discharge into waters of the State are consistent with the Antidegradation Policy and all other applicable water quality standards found in APC&EC Regulation No. 2.

8. OUTFALL, TREATMENT PROCESS DESCRIPTION, AND FACILITY CONSTRUCTION.

The following is a description of the facility described in the application:

- A. Design Flow: 9.0 MGD
- B. Type of Treatment: screening, grit removal, extended aeration activated sludge, clarification, chlorination, dechlorination, post aeration, and aerobic sludge digestion
- C. Discharge Description: treated municipal wastewater
- D. Facility Status: This facility is classified as a major municipal since the design flow of the facility listed above is greater than 1.0 MGD.
- E. Facility Construction: This permit does not authorize or approve the construction or modification of any part of the treatment system or facilities. Approval for such construction must be by permit issued under Reg. 6.202.

9. ACTIVITY.

Under the Standard Industrial Classification (SIC) code of 4952 or North American Industry Classification System (NAICS) code of 221320, the applicant's activities are the operation of a sewage treatment plant.

10. INDUSTRIAL WASTEWATER CONTRIBUTIONS.

INDUSTRIAL USERS

This facility receives industrial process wastewater. Based on the applicant's effluent compliance history and the type of industrial contributions, standard Pretreatment Program implementation conditions are deemed appropriate at this time.

NPDES Permit No. AR0037907, which covers discharges from CWL's Westside WWTP, is the "tracking permit" for the pretreatment program requirements.

11. SEWAGE SLUDGE PRACTICES.

Sludge is aerobically digested in a series of digesters. Land application of sludge may take place under this permit for one year from the effective date of the permit. The permittee is required to obtain separate permit coverage for land application of sludge if they want to continue the practice.

12. PERMIT CONDITIONS.

The Arkansas Department of Environmental Quality has made a determination to issue a permit for the discharge described in the application. Permit requirements are based on federal regulations (40 CFR Parts 122, 124, and Subchapter N), the National Pretreatment Regulation in 40 CFR Part 403 and regulations promulgated pursuant to the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et. seq.).

A. Effluent Limitations

Outfall 001 - treated municipal wastewater

1. Conventional and/or Toxic Pollutants

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
Flow	N/A	Report, MGD	Report, MGD (Daily Max.)	once/day	totalizing meter
Carbonaceous Biochemical Oxygen Demand (CBOD5)	1501	20	30	three/week	composite
Total Suspended Solids (TSS)	2252	30	45	three/week	composite
Ammonia Nitrogen (NH3-N)					
(April – October)	158	2.1	5.2	three/week	composite
(November – March)	443	5.9	10.5	three/week	composite
Dissolved Oxygen (DO)					
(May – October)	N/A	5.0 (Inst. Min.)		three/week	grab
(November – April)	N/A	7.0 (Inst. Min.)		three/week	grab
Fecal Coliform Bacteria (FCB)		(colonies/100 ml)			
	N/A	1000	2000	three/week	grab
Total Residual Chlorine (TRC)	N/A	<0.1 mg/l (Inst. Max.)		three/week	grab
Total Phosphorus (TP)	Report	Report	Report	once/month	grab
Nitrate + Nitrite Nitrogen (NO3+NO2-N)	Report	Report	Report	once/month	grab
pH	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	three/week	grab
Chronic WET Limit	N/A	not < 100%		once/quarter	composite

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

13. BASIS FOR PERMIT CONDITIONS.

The following is an explanation of the derivation of the conditions of the permit and the reasons for them or, in the case of notices of intent to deny or terminate, reasons suggesting the decisions as required under 40 CFR Part 124.7.

Technology-Based Versus Water Quality-Based Effluent Limitations and Conditions

Following regulations promulgated at 40 CFR Part 122.44, the permit limits are based on either technology-based effluent limits pursuant to 40 CFR Part 122.44 (a) or on State water quality standards and requirements pursuant to 40 CFR Part 122.44 (d), whichever are more stringent as follows:

Parameter	Water Quality-Based		Technology-Based/BPJ		Previous Permit		Permit Limit	
	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l
CBOD5	20	30	25	40	20	30	20	30
TSS	N/A	N/A	30	45	30	45	30	45
NH3-N								
(April – October)	2.1	5.2	N/A	N/A	2.1	5.2	2.1	5.2
(November – March)	5.9	10.5	N/A	N/A	5.9	10.5	5.9	10.5
DO								
(May-Oct)	5.0 (Inst. Min.)		N/A		5.0 (Monthly Avg. Min.)		5.0 (Inst. Min.)	
(Nov-Apr)	7.0, (Inst. Min.)		N/A		7.0 (Monthly Avg. Min.)		7.0 (Inst. Min.)	
FCB (col/100 ml)	1000	2000	N/A	N/A	1000	2000	1000	2000
TRC (Inst. Max)	N/A		< 0.1 mg/l		< 0.1 mg/l		< 0.1 mg/l	
TP	N/A	N/A	Report	Report	N/A	N/A	Report	Report
NO ₃ + NO ₂ - N	N/A	N/A	Report	Report	N/A	N/A	Report	Report

Parameter	Water Quality-Based		Technology-Based/BPJ		Previous Permit		Permit Limit	
	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l
pH	6.0-9.0 s.u.		6.0-9.0 s.u.		6.0-9.0 s.u.		6.0-9.0 s.u.	

A. Justification for Limitations and Conditions of the Permit:

Parameter	Water Quality or Technology	Justification
CBOD5	Water Quality	MultiSMP Model reviewed 9/13/2011
TSS	Technology	40 CFR 133.102(b)
NH3-N	Water Quality	Reg. 2.512 / MultiSMP Model reviewed 9/13/2011
DO	Water Quality	Reg. 2.505 / MultiSMP Model reviewed 9/13/2011
FCB	Water Quality	Reg. 2.507
TRC	Technology	See #14 of Fact Sheet.
TP	Technology	CPP
NO ₃ + NO ₂ - N	Technology	CPP
pH	Water Quality	Reg. 2.504

The CBOD5, TSS, NH3-N, DO, FCB, TRC, and pH requirements are not changing with this permit renewal.

Total Phosphorous and Nitrates plus Nitrites as Nitrogen monitoring and reporting requirements have been included in the permit based upon the CPP. The information is needed to assess the amount of nutrients being added to the watershed and to ensure that the facility is not causing an overload of nutrients in the receiving stream. Excess nutrients in the receiving stream can cause objectionable algal densities or other nuisance aquatic vegetation or otherwise impair any designated use of the receiving stream. The Department reserves the right to reopen the permit to include numerical limits for one or both of the parameters based upon the data submitted on the required DMRs.

B. Anti-backsliding

The permit is consistent with the requirements to meet Anti-backsliding provisions of the Clean Water Act (CWA), Section 402(o) [40 CFR 122.44(l)]. The final effluent limitations for reissuance permits must be as stringent as those in the previous permit, unless the less stringent limitations can be justified using exceptions listed in 40 CFR 122.44 (l)(2)(i).

The permit maintains the requirements of the previous permit.

C. Limits Calculations

1. Mass limits:

In accordance with 40 CFR 122.45(f)(1), all pollutants limited in permits shall have limitations expressed in terms of mass if feasible. 40 CFR 122.45(f)(2) allows for pollutants which are limited in terms of mass to also be limited in terms of other units of measurement.

The calculation of the loadings (lbs per day) uses a design flow of 9.0 MGD and the following equation:

$$\text{lbs/day} = \text{Concentration (mg/l)} \times \text{Flow (MGD)} \times 8.34$$

2. 7-Day Average Limits:

The 7-Day Average limits for NH₃-N (based on maintaining the DO standards for the months of November through March) as well as CBOD₅ are based on Section 5.4.2 of the Technical Support Document for Water Quality-Based Toxics Control.

$$\text{7-Day Average limits} = \text{Monthly average limits} \times 1.5 - 2$$

The 7-Day Average TSS limits are based on 40 CFR 133.102(b).

The 7-Day Average NH₃-N limits for the months of April through October are based on the requirements of Reg. 2.512.

The 7-Day Average limit for FCB is based on Reg. 2.507.

3. Ammonia-Nitrogen (NH₃-N):

The water quality effluent limitations for Ammonia are based either on DO-based effluent limits or on toxicity-based standards, whichever are more stringent. The toxicity-based effluent limitations are based on Reg. 2.512 and the CPP.

D. 208 Plan (Water Quality Management Plan)

No changes to the 208 Plan are occurring with this permit renewal.

E. Priority Pollutant Scan (PPS)

ADEQ has reviewed and evaluated the effluent in accordance with the potential toxicity of each analyzed pollutant using the procedures outlined in the Continuing Planning Process (CPP).

The concentration of each pollutant after mixing with the receiving stream was compared to the applicable water quality standards as established in the Arkansas Water Quality Standards (AWQS), Regulation No. 2 (Reg. 2.508) and criteria obtained from the "Quality Criteria for Water, 1986 (Gold Book)".

Under Federal Regulation 40 CFR Part 122.44(d), as adopted by Regulation No. 6, if a discharge poses the reasonable potential to cause or contribute to an exceedance above a water quality standard, the permit must contain an effluent limitation for that pollutant. Effluent limitations for the toxicants listed below have been derived in a manner consistent with the Technical Support Document (TSD) for Water Quality-based Toxics Control (EPA, March 1991), the CPP, and 40 CFR Part 122.45(c).

The following items were used in calculations:

Parameter	Value	Source
Flow = Q	9 MGD = 13.9 cfs	Application
7Q10	0 cfs	U.S.G.S.
TSS	8 mg/l	CPP
Hardness as CaCo3	81 mg/l	CPP
pH	7.16 s.u.	FRA0008, 3/31/2009

The following pollutants were reported above the required MQL. All reported concentrations are the geometric mean of twelve quarterly effluent monitoring events required by the pretreatment program and one Priority Pollutant Scan conducted as part of the permit renewal process.

Pollutant	Concentration Reported, $\mu\text{g/l}$	MQL, $\mu\text{g/l}$
Arsenic, Total Recoverable	1.24	60
Chromium, Total Recoverable	4.56	10
Copper, Total Recoverable	4.28	0.5
Lead, Total Recoverable	0.78	0.5
Mercury, Total Recoverable	0.0035	0.005
Nickel, Total Recoverable	3.90	0.5

Pollutant	Concentration Reported, µg/l	ML, µg/l
Thallium, Total Recoverable	0.67	0.5
Zinc, Total Recoverable	34.20	20

ADEQ has determined from the submitted information that the discharge does not pose the reasonable potential to cause or contribute to an exceedance above a water quality standard.

14. TOTAL RESIDUAL CHLORINE (TRC) REQUIREMENTS.

TRC limits have been continued from the previous permit to ensure that the dechlorination system is properly operated and maintained. Any measurable TRC in the effluent would be an indication that the dechlorination system is not working properly.

After dechlorination and prior to final disposal, the effluent shall contain, NO MEASURABLE TRC at any time. NO MEASURABLE will be defined as no detectable concentration of TRC as determined by any approved method established in 40 CFR Part 136 as less than 0.1 mg/l. Thus, the "no measurable TRC concentration" for chlorine becomes the permit limit. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes. TRC shall be measured within fifteen (15) minutes of sampling.

15. WHOLE EFFLUENT TOXICITY.

Section 101(a)(3) of the Clean Water Act states that ".....it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited....." To ensure that the CWA's prohibitions for toxics are met, EPA has issued a "Policy for the Development of Water Quality-Based Permit Limitations for Toxic Pollutants (49 FR 9016-9019, 3/9/84)." In support of the national policy, Region 6 adopted the "Policy for Post Third Round NPDES Permitting" and the "Post Third Round NPDES Permit Implementation Strategy" on October 1, 1992. In addition, ADEQ is required under 40 CFR Part 122.44(d)(1), adopted by reference in Regulation 6, to include conditions as necessary to achieve water quality standards as established under Section 303 of the Clean Water Act.

The Regional policy and strategy are designed to ensure that no source will be allowed to discharge any wastewater which (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical State Water Quality Standard (WQS) resulting in non-conformance with the provisions of 40 CFR Part 122.44(d); (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

Whole effluent toxicity (WET) testing has been established for assessing and protecting against impacts upon water quality and designated uses caused by the aggregate toxic effect of the discharge of pollutants. The stipulated test species, which are appropriate to measure whole effluent toxicity, are consistent with the requirements of the State Water Quality Standards. The WET testing frequency has been established to reflect the likelihood of ambient toxicity and to provide data representative of the toxic potential of the facility's discharge, in accordance with the regulations promulgated at 40 CFR Part 122.48.

Implementation

Arkansas has established a narrative water quality standard under the authority of Section 303 of the CWA which states "toxic materials shall not be present in receiving waters in such quantities as to be toxic to human, animal, plant or aquatic life or to interfere with the normal propagation, growth and survival of aquatic biota."

Whole effluent toxicity testing conducted by the permittee has shown potential ambient toxicity to be the result of the permittee's discharge to the receiving stream or water body, at the appropriate instream critical dilution. Pursuant to 40 CFR 122.44(d)(1)(v), ADEQ has determined from the permittee's self reporting that the discharge from this facility does have the reasonable potential to cause, or contribute to an instream excursion above the narrative standard within the applicable State Water Quality Standards, in violation of Section 101(a)(3) of the Clean Water Act. Therefore, the draft permit must establish both monthly average and 7-day minimum effluent limitations for lethality following Regulations promulgated by 40 CFR 122.44(d)(1)(v). These effluent limitations for lethality (7-day NOEC) are applied at Outfall 001 on the effective date of the permit. The daily average lethality (7-day NOEC) and 7-day minimum lethality (7-day NOEC) value shall not be less than 100% (Critical Dilution) effluent for Outfall 001.

WET testing of the effluent is thereby required as a condition of this permit to assess potential toxicity. The WET testing procedures stipulated as a condition of this permit are as follows:

TOXICITY TESTS

Chronic WET

FREQUENCY

Once/quarter

Requirements for measurement frequency are based on the CPP.

Since 7Q10 is less than 100 cfs (ft³/sec) and dilution ratio is less than 100:1, chronic WET testing requirements will be included in the permit.

The calculations for dilution used for chronic WET testing are as follows:

$$\text{Critical dilution (CD)} = (Q_d / (Q_d + Q_b)) \times 100$$

$Q_d = \text{Design flow} = 9.0 \text{ MGD} = 13.9 \text{ cfs}$

$7Q_{10} = 0 \text{ cfs}$

$Q_b = \text{Background flow} = 0.67 \times 0 \text{ cfs} = 0 \text{ cfs}$

$CD = (13.9) / (13.9 + 0) \times 100 = 100\%$

Toxicity tests shall be performed in accordance with protocols described in "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms", EPA/600/4-91/002, July 1994. A minimum of five effluent dilutions in addition to an appropriate control (0%) are to be used in the toxicity tests. These additional effluent concentrations are 32%, 42%, 56%, 75%, and 100% (See the CPP). The low-flow effluent concentration (critical dilution) is defined as 100% effluent. The requirement for chronic WET tests is based on the magnitude of the facility's discharge with respect to receiving stream flow. The stipulated test species, *Ceriodaphnia dubia* and the Fathead minnow (*Pimephales promelas*) are representative of organisms indigenous to the geographic area of the facility; the use of these is consistent with the requirements of the State water quality standards. The WET testing frequency has been established to provide data representative of the toxic potential of the facility's discharge, in accordance with the regulations promulgated at 40 CFR Part 122.48.

Results of all dilutions as well as the associated chemical monitoring of pH, temperature, hardness, dissolved oxygen conductivity, and alkalinity shall be reported according to EPA-821-R-02-013, October 2002 and shall be submitted as an attachment to the Discharge Monitoring Report (DMR).

This permit may be reopened to require further WET testing studies, Toxicity Reduction Evaluation (TRE) and/or effluent limits if WET testing data submitted to the Department shows toxicity in the permittee's discharge. Modification or revocation of this permit is subject to the provisions of 40 CFR 122.62, as adopted by reference in ADEQ Regulation No. 6. Increased or intensified toxicity testing may also be required in accordance with Section 308 of the Clean Water Act and Section 8-4-201 of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

Administrative Records

The following information summarizes toxicity tests submitted by the permittee during the term of the current permit at Outfall 001.

Permit Number:	AR0043401	AFIN: 16-00152	Outfall Number:	001
Date of Review:	9/12/2011	Reviewer: M. Barnett		
Facility Name:	CWL of Jonesboro - Eastside Wastewater Treatment Plant			
Previous Dilution series:	32, 42, 56, 75, 100	Proposed Dilution Series:	32, 42, 56, 75, 100	
Previous Critical Dilution:	100	Proposed Critical Dilution:	100	
Previous TRE activities:	1992			

Frequency recommendation by species

<i>Pimephales promelas</i> (Fathead minnow):	once per quarter
<i>Ceriodaphnia dubia</i> (water flea):	once per quarter

TEST DATA SUMMARY

TEST DATE	Vertebrate		Invertebrate	
	Lethal NOEC	Sub-Lethal NOEC	Lethal NOEC	Sub-Lethal NOEC
9/6/2006	100	100	100	100
12/6/2006	100	100	100	100
3/6/2007	100	100	100	100
6/6/2007	100	100	100	100
9/6/2007	100	100	100	100
12/6/2007	100	100	100	100
3/6/2008	100	100	100	100
6/6/2008	100	100	100	100
9/6/2008	100	100	100	100
12/6/2008	100	100	100	100
3/6/2009	100	100	100	100
6/6/2009	100	100	100	100
9/6/2009	100	100	100	100
12/31/2009	100	100	100	100
3/31/2010	100	100	100	100
6/30/2010	100	100	100	100
9/30/2010	100	100	100	100
12/31/2010	100	100	100	100
3/31/2011	100	100	100	100
6/30/2011	100	100	100	100

REASONABLE POTENTIAL CALCULATIONS

	Vertebrate Lethal	Vertebrate Sub-Lethal	Invertebrate Lethal	Invertebrate Sub-Lethal
Min NOEC Observed	100	100	100	100
TU at Min Observed	1.00	1.00	1.00	1.00
Count	20	20	20	20
Failure Count	0	0	0	0
Mean	1.000	1.000	1.000	1.000
Std. Dev.	0.000	0.000	0.000	0.000
CV	0	0	0	0
RPMF	#N/A	#N/A	#N/A	#N/A
Reasonable Potential	#N/A	#N/A	#N/A	#N/A
100/Critical dilution	1.000	1.000	1.000	1.000
Does Reasonable Potential Exist	No	No	No	No

PERMIT ACTION

<i>P. promelas</i> lethal - limit
<i>P. promelas</i> sub-lethal - monitoring
<i>C. dubia</i> lethal - limit
<i>C. dubia</i> sub-lethal - monitoring

16. SAMPLE TYPE AND FREQUENCY.

The "24-hr composite" samples have been changed to "composite" in order to allow the permittee flexibility in how the samples are obtained.

The monitoring frequencies for DO and TRC have been reduced to three/week because the permittee has demonstrated full compliance with those limits during the term of the permit.

The sample types and sampling frequencies for Total Phosphorous and Nitrates plus Nitrites as Nitrogen have been based on the judgment of the permit writer.

All other sample types and monitoring frequencies are unchanged from the previous permit.

Parameter	Previous Permit		Final Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
Flow	once/day	totalizing meter	once/day	totalizing meter
CBOD5	three/week	24-hr composite	three/week	composite
TSS	three/week	24-hr composite	three/week	composite
NH3-N				
(April – October)	three/week	24-hr composite	three/week	composite
(November – March)	three/week	24-hr composite	three/week	composite
DO				
(May – October)	once/weekday	grab	three/week	grab
(November – April)	once/weekday	grab	three/week	grab
FCB	three/week	grab	three/week	grab
TRC	once/weekday	grab	three/week	grab
TP	N/A	N/A	once/month	grab
NO ₃ + NO ₂ - N	N/A	N/A	once/month	grab
pH	three/week	grab	three/week	grab

17. STORMWATER REQUIREMENTS

The facility has obtained a No-Exposure Certification under the general permit for stormwater runoff associated with industrial activity. (See tracking number ARR000154.) Therefore, no stormwater requirements are contained in NPDES Permit No. AR0043401.

18. PERMIT COMPLIANCE.

A Schedule of Compliance has not been included in this permit. Compliance with all permit requirements is required on the effective date of the permit.

19. MONITORING AND REPORTING.

The applicant is at all times required to monitor the discharge on a regular basis and report the results monthly. The monitoring results will be available to the public.

20. SOURCES.

The following sources were used to draft the permit:

- A. Application No. AR0043401 received 5/24/2011.
- B. Arkansas Water Quality Management Plan (WQMP).
- C. APCEC Regulation No. 2.
- D. APCEC Regulation No. 3.
- E. APCEC Regulation No. 6.
- F. 40 CFR Parts 122, 125, 133 and 403.
- G. Discharge permit file AR0043401.
- H. Discharge Monitoring Reports (DMRs).
- I. "Arkansas Water Quality Inventory Report 2010 (305(b))", ADEQ.
- J. "Identification and Classification of Perennial Streams of Arkansas", Arkansas Geological Commission.
- K. Continuing Planning Process (CPP).
- L. Technical Support Document For Water Quality-based Toxic Control.
- M. Inspection Report dated 5/10/2011.
- N. Site visit on 8/30/2011.
- O. Letter from Jake Rice, III, P.E. to Loretta Reiber, P.E. dated 1/9/2012.

21. POINT OF CONTACT.

For additional information, contact:

Loretta Reiber, P.E.
Permits Branch, Water Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317
Telephone: (501) 682-0612

**RESPONSE TO COMMENTS
FINAL PERMITTING DECISION**

Response to comments received on the subject draft permit in accordance with regulations promulgated at 40 CFR Part 124.17 are as follows:

Permit No.: AR0043401

Applicant: City Water and Light Plant of the City of Jonesboro
Eastside Wastewater Treatment Plant

Prepared by: Loretta Reiber, P.E.

Public Notice Date: The draft permit was publicly noticed on December 11, 2011.

The following comments have been received on the draft permit:

Correspondence from Jake Rice, III, P.E. to Loretta Reiber, P.E. dated January 9, 2012.

ISSUE #1

The permittee stated that Total Phosphorous (TP) and Nitrates plus Nitrites as Nitrogen ($\text{NO}_3 + \text{NO}_2 - \text{N}$) were included in the permit based on the Continuing Planning Process (CPP). The permittee requested that the Department consider the removal of the monitoring and reporting requirements for those parameters during the next permit renewal and that, if monitoring data supports such action, numerical limits not be included at that time.

RESPONSE #1

The Department cannot state at this time if the monitoring and reporting requirements will be included in the next permit or if numerical limits will be included. Any decision made regarding the inclusion of Total Phosphorous and Nitrates plus Nitrites as Nitrogen in the next permit renewal will be made at the time of the next permit renewal.

ISSUE #2

Item No. 5.11 of the fact sheet refers to a BOD5 influent monitoring requirement. The permittee requested clarification as to if the Department intended the requirement to be for the permittee to test the influent BOD5 or CBOD5.

RESPONSE #2

Item No. 5.11 of the Fact Sheet will be modified to state that the permittee is required to monitor the influent CBOD5 once per year. The influent CBOD5 is required to be monitored a minimum of once per year so that the Department can determine if the facility is meeting the 85% reduction requirement contained in Part II, Condition No. 2 of the permit.

ISSUE #3

The outfall coordinates should actually be as follows:

Latitude: 35° 47' 28.77" Longitude: 90° 37' 51.24"

RESPONSE #3

The new coordinates have been confirmed with Google Earth. The permit and the Fact Sheet will be updated.

ISSUE #4

There are discrepancies between the permit and the Fact Sheet concerning the monitoring frequencies for TP and NO₃ + NO₂ - N and the sample types for Fecal Coliform Bacteria (FCB) and Total Residual Chlorine (TRC).

RESPONSE #4

The permit will be changed to reflect that the required monitoring frequency for TP and NO₃ + NO₂ - N is once per month and the required sample type for FCB and TRC is grab.

ISSUE #5

The permittee stated that, in the table on page 14 of the Fact Sheet, the *Pimephales promelas* (fathead minnow) results were not listed for the quarter ending December 2010. The permittee stated that their records indicate that the Department received this information on November 22, 2010, and January 24, 2011. (Note: A corrected copy was required to be submitted since the contract lab information was inadvertently omitted from the original report.)

RESPONSE #5

The Department has reviewed the WET test records for this facility and agrees with the permittee that the required information was submitted. The table on page 14 of the Fact Sheet has been corrected.

ISSUE #6

The permittee understands that the conditions of the existing and approved Eastside Sludge Management Plan (SMP) are reflected in the table contained on page 13, Part II, Item 8.3 of the draft permit. However, on October 31, 2011, the permittee has submitted an application, along with an updated SMP, for a separate permit in order to be able to continue to land apply bio-solids. In the new SMP, a correction of the Quarter Section of Field #1 was given as W 1/2 of NE 1/4. Additionally, the new SMP noted that the Total Acres of Field #7 is 20 acres instead of the 15 acres shown in previous documents. The permittee requested that those two changes be

made to the land application language. The permittee stated for the record that the Available Acres for the majority of the fourteen existing fields were updated and refined in the new SMP.

RESPONSE #6

The requested change to the Quarter Section of Field #1 does not involve any changes to the section, township, or range and is being requested to correct a typographical error in the permittee's SMP. Therefore, the change will be made as requested.

It is the Department's understanding that the total acres listed in previous documents was a typographical error and that the amount of usable acres for Field #7 is not changing. Therefore, the correction will be made as requested. No changes to the Available Acres will be made in the final permit because the changes were not specified in the comments submitted to the Department.

ISSUE #7

Per a conversation between the permit writer and Susan Meredith (an employee of the permittee) on December 21, 2011, the permittee is now of the understanding the permit for their Westside Plant (NPDES Permit No. AR0037907) is now the "tracking permit" for the pretreatment program and requirements regarding technically based local limits. Since language regarding Industrial User (IU) requirements, IU permit conditions, local limits, provisions, and annual report requirements were not included in the draft permit, the permittee stated that they understood this permit will no longer be the "tracking permit." The permittee stated that the Westside Plant receives wastewater from only one Significant Industrial User (SIU) while the Eastside Plant receives wastewater from 15 SIUs.

RESPONSE #7

The permittee's understanding is correct. NPDES Permit No. AR0037907 is the "tracking permit" for the pretreatment program requirements. A note has been added to Item No. 10 of the Fact Sheet indicating that AR0037907 is now the "tracking permit."

ISSUE #8

Part II.10.C, paragraph 3, of the draft permit requires the submittal of the influent-effluent chart of laboratory results to be submitted during the month of December. The permittee requested that the permit be modified to state that a specific deadline be given, i.e., "prior to December 31st of each year."

RESPONSE #8

The change will be made as requested since the permit specifies the quarters in which the influent and effluent samples are to be taken.

APPENDIX B

City Water and Light
NPDES Permits

Westside NPDES
Permit No. AR0037907

Permit Number: AR0037907

AFIN: 16-00152

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

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

The applicant's mailing address is:

City Water and Light of the City of Jonesboro (CWL)
Westside Wastewater Treatment Plant
400 East Monroe
Jonesboro, AR 72403

The facility address is:

City Water and Light of the City of Jonesboro (CWL)
Westside Wastewater Treatment Plant
1605 Willett Road
Jonesboro, AR 72401

is authorized to discharge from a facility located as follows: north of and adjacent to Craighead County Jail property in Craighead County, Arkansas.

Latitude: 35° 51' 34.62"; Longitude: 90° 43' 49.00"

to receiving waters named:

unnamed tributary of Big Creek, thence to Big Creek, thence to Bayou DeView, thence to the Cache River, thence to the White River in Segment 4B of the White River Basin.

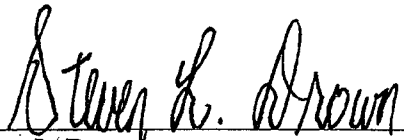
The outfall is located at the following coordinates:

Outfall 001: Latitude: 35° 51' 32"; Longitude: 90° 44' 04"

Discharge shall be in accordance with effluent limitations, monitoring requirements, and other conditions set forth in this permit. Per Part III.D.10, the permittee must re-apply on or before 180 days prior to the expiration of the permit for permit coverage past the expiration date.

The response to comments is attached.

Effective Date: July 1, 2011
Expiration Date: June 30, 2016



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

13 MAY 11
Issue Date

**PART I
 PERMIT REQUIREMENTS**

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

During the period beginning on the effective date and until the date of expiration, the permittee is authorized to discharge from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below from a treatment system consisting of bar screen, grit removal, primary sedimentation, first and second stage trickling filters, secondary sedimentation, chlorination, dechlorination, and re-aeration with a design flow of 3.0 MGD.

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l. unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
Flow	N/A	Report, MGD	Report, MGD (Daily Max.)	once/day	totalizing meter
Carbonaceous Biochemical Oxygen Demand (CBOD5)	375.3	15	22.5	one/week	composite
Total Suspended Solids (TSS)	500.4	20	30	one/week	composite
Ammonia Nitrogen (NH3-N)	100.1	4	6	one/week	composite
Dissolved Oxygen (DO)	N/A	5.0, (Inst. Min.)		one/week	grab
Fecal Coliform Bacteria (FCB)		(colonies/100ml)			
	N/A	1000	2000	three/week	grab
Total Residual Chlorine (TRC) ¹	N/A	<0.1 mg/l (Inst. Max.)		one/week	grab
Total Phosphorus (TP)	N/A	Report	Report	one/month	composite
Nitrate + Nitrite Nitrogen (NO3 + NO2-N)	N/A	Report	Report	one/month	composite
Chlorides	N/A	Report	Report	one/quarter	composite
Total Dissolved Solids	N/A	Report	Report	one/quarter	composite
Aluminum, Total Recoverable	N/A	Report	Report	once/year	composite
pH	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	one/week	grab
Chronic Lethal WET Limit ²	N/A	Not < 100%		once/quarter	composite

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
<u>Pimephales promelas (Chronic)²</u> Pass/Fail Lethality (7-day NOEC) TLP6C Pass/Fail Growth (7-day NOEC) TGP6C Survival (7-day NOEC) TOP6C Coefficient of Variation (Growth) TQP6C Growth (7-day NOEC) TPP6C		<u>7-Day Average</u> Report (Pass=0/Fail=1) Report (Pass=0/Fail=1) Report % Report % Report %		once/quarter once/quarter once/quarter once/quarter once/quarter	composite composite composite composite composite
<u>Ceriodaphnia dubia (Chronic)²</u> Pass/Fail Lethality (7-day NOEC) TLP3B Pass/Fail production (7-day NOEC) TGP3B Survival (7-day NOEC) TOP3B Coefficient of Variation (Reproduction) TQP3B Reproduction (7-day NOEC) TPP3B		<u>7-Day Average</u> Report (Pass=0/Fail=1) Report (Pass=0/Fail=1) Report % Report % Report %		once/quarter once/quarter once/quarter once/quarter once/quarter	composite composite composite composite composite

1 See Condition No. 10 of Part II. (TRC Condition).
 2 See Condition No. 9 of Part II (WET Testing Condition).

There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen as defined in Part IV of this permit.

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. Samples shall be taken after final treatment at the following monitoring coordinates: Latitude: 35° 51' 32" Longitude: 90° 44' 04". Flow may be measured just before the disinfection unit and after all other treatment units.

All and each unauthorized Sanitary Sewer Overflow (SSO) must be reported to ADEQ. See Condition No. 5 of Part II.

SECTION B. PERMIT COMPLIANCE

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

Compliance is required on the effective date of the permit.

**PART II
OTHER CONDITIONS**

1. The operator of this wastewater treatment facility shall be licensed as Class IV by the State of Arkansas in accordance with APCEC Regulation No. 3.
2. For publicly owned treatment works, the 30-day average percent removal for Biochemical Oxygen Demand (BOD5) or Carbonaceous Biochemical Oxygen Demand (CBOD5) and Total Suspended Solids shall not be less than 85 percent unless otherwise authorized by the permitting authority in accordance with 40 CFR Part 133.102, as adopted by reference in APCEC Regulation No. 6.
3. In accordance with 40 CFR Parts 122.62 (a)(2) and 124.5, this permit may be reopened for modification or revocation and/or reissuance to require additional monitoring and/or effluent limitations when new information is received that actual or potential exceedance of State water quality criteria and/or narrative criteria are determined to be the result of the permittee's discharge(s) to a relevant water body or a Total Maximum Daily Load (TMDL) is established or revised for the water body that was not available at the time of the permit issuance that would have justified the application of different permit conditions at the time of permit issuance.
4. Other Specified Monitoring Requirements

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

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

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

5. Sanitary Sewer Overflow (SSO):

A. An overflow is any spill, release or diversion of sewage from a sanitary sewer collection system, including:

1. An overflow that results in a discharge to waters of the state; and
2. An overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately owned sewer or building lateral), even if that overflow does not reach waters of the state.

B. Immediate Reporting

All overflows shall be reported to the Enforcement Branch of the Water Division by telephone (501-682-0638), facsimile (501-682-0910), or by using the Department web site at waterenfssso@adeq.state.ar.us within 24 hours from the time the permittee becomes aware of the circumstance.

At a minimum the report shall identify:

1. The location(s) of overflow;
2. The receiving water (If there is one);
3. The duration of overflow;
4. Cause of overflow; and
5. The estimated volume of overflow (MG).

C. Discharge Monitoring Reports (DMRs)

The permittee shall report every month all overflows with the Discharge Monitoring Report (DMR) submittal. These reports shall be summarized and reported in tabular format with the minimum following information. The permittee may use the ADEQ Forms which may be obtained from the following web sites:

http://www.adeq.state.ar.us/water/branch_permits/pdfs_forms/sso_tabular_report.pdf
or http://www.adeq.state.ar.us/water/branch_enforcement/forms/sso_report.asp

1. The location(s) of overflow;
2. The receiving water (If there is one);
3. The duration of overflow;
4. Cause of overflow;
5. The estimated volume of overflow (MG);
6. A description of the sewer system component from which the release occurred (e.g., manhole, constructed overflow pipe, crack in pipe);
7. The estimated date and time when the overflow began and stopped or will be stopped;

8. The cause or suspected cause of the overflow;
9. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
10. If reasonably made, an estimate of the number of persons who came into contact with wastewater from the overflow; and
11. Steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps.

6. CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS

- a. The permittee shall operate an industrial pretreatment program in accordance with Section 402(b)(8) of the Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403) and the approved POTW pretreatment program submitted by the permittee. The pretreatment program was approved on November 1, 1983, and modified on May 15, 1990, December 2, 1993, and May 11, 1999. The Sewer Use Ordinance and the Pretreatment Program have not been modified to come into compliance with the current 40 CFR Part 403 regulations. The permittee shall submit all necessary proposed modifications to the Department. (Note: The permittee is working with the Department regarding the necessary modifications to the pretreatment program and sewer use ordinance.) The POTW pretreatment program is hereby incorporated by reference and shall be implemented in a manner consistent with the following requirements:
 - ii. Industrial user information shall be updated at a frequency adequate to ensure that all IUs are properly characterized at all times;
 - iii. The frequency and nature of industrial user compliance monitoring activities by the permittee shall be commensurate with the character, consistency and volume of waste. The permittee must inspect and sample the effluent from each Significant Industrial User in accordance with 40 CFR 403.8(f)(2)(v). This is in addition to any industrial self-monitoring activities;
 - iv. The permittee shall enforce and obtain remedies for noncompliance by any industrial users with applicable pretreatment standards and requirements;
 - v. The permittee shall control through permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under 40 CFR 403.3 (v), this control shall be achieved through individual or general control mechanisms, in accordance with 40 CFR 403.8(f)(1)(iii). Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions:
 1. Statement of duration (in no case more than five years);

2. Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
 3. Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards, categorical Pretreatment Standards, local limits, and State and local law;
 4. Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with § 403.12(e)(2), or a specific waiver for a pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in 40 CFR 403, categorical Pretreatment Standards, local limits, and State and local law;
 5. Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond federal deadlines; and Requirements to control slug discharges, if determined by the POTW to be necessary.
- vi. The permittee shall evaluate, whether each Significant Industrial User needs a plan or other action to control slug discharges, in accordance with 40 CFR 403.8(f)(2)(vi);
 - vii. The permittee shall provide adequate staff, equipment, and support capabilities to carry out all elements of the pretreatment program; and
 - viii. The approved program shall not be modified by the permittee without the prior approval of ADEQ.
- b. The permittee shall establish and enforce specific limits to implement the provisions of 40 CFR Parts 403.5(a) and (b), as required by 40 CFR Part 403.5(c). POTWs may develop Best Management Practices (BMPs) to implement paragraphs 40 CFR 403.5 (c)(1) and (c)(2). Such BMPs shall be considered local limits and Pretreatment Standards. Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits.

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

- c. The permittee shall analyze the treatment facility influent and effluent for the presence of the toxic pollutants listed in 40 CFR 122 Appendix D (NPDES Application Testing Requirements) Table II at least once/year and the toxic pollutants in Table III at least 4 times/year in each quarter (Jan-Mar, Apr-Jun, Jul-Sep & Oct-Dec).. If, based upon information available to the permittee, there is reason to suspect the presence of any toxic or hazardous pollutant listed in Table V, or any other pollutant, known or suspected to adversely affect treatment plant operation, receiving water quality, or solids disposal procedures, analysis for those pollutants shall be performed at least 4 times/year in each quarter on both the influent and the effluent.

The influent and effluent samples collected shall be composite samples consisting of at least 12 aliquots collected at approximately equal intervals over a representative 24 hour period and composited according to flow. Sampling and analytical procedures shall be in accordance with guidelines established in 40 CFR 136. Where composite samples are inappropriate, due to sampling, holding time, or analytical constraints, at least 4 grab samples, taken at equal intervals over a representative 24 hour period, shall be taken.

- d. The permittee shall prepare annually a list of Industrial Users which during the preceding twelve months were in significant noncompliance with applicable pretreatment requirements. For the purposes of this Part, significant noncompliance shall be determined based upon the more stringent of either criteria established at 40 CFR Part 403.8(f)(2)(viii) [rev. 10/14/05] or criteria established in the approved POTW pretreatment program. This list is to be published annually in the newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW during the month of December.

In addition, no later than December 31 of every year, the permittee shall submit an updated pretreatment program status report to the ADEQ containing the following information:

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

- (b) Industrial Users subject to the following categorical Pretreatment Standards [Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) (40 CFR Part 414), Petroleum Refining (40 CFR Part 419), and Pesticide Chemicals (40 CFR Part 455)] and for which the Control Authority has chosen to use the concentration-based standards rather than converting them to flow-based mass standards as allowed at 40 CFR 403.6(c)(6).
- (c) Categorical Industrial Users subject to concentration-based standards for which the Control Authority has chosen to convert the concentration-based standards to equivalent mass limits, as allowed at 40 CFR 403.6(c)(5).
- (d) Any General Control Mechanisms used for similar groups of SIUs along with the substantially similar types of operations and the types of wastes that are the same, for each separate General Control Mechanism, as allowed at 40 CFR 403.8(f)(1)(iii).
- (e) Best Management Practices or Pollution Prevention alternatives required by a categorical Pretreatment Standard or as a local limit requirement that are implemented and documentation to demonstrate compliance, as required at 40 CFR 403 (b), (e) and (h).

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

- (a) Standard Industrial Classification (SIC) and NAICS code and categorical determination;
- (b) Control document status. Whether the user has an effective control document, and the date such document was last issued, reissued, or modified, (indicate which industrial users were added to the system (or newly identified) within the previous 12 months);
- (c) A summary of all monitoring activities performed within the previous 12 months. The following information shall be reported:
 - * total number of inspections performed;
 - * total number of sampling visits made;
- (d) Status of compliance with both effluent limitations and reporting requirements. Compliance status shall be defined as follows:
 - * Compliant (C) - no violations during the previous 12 month period;
 - * Non-compliant (NC) - one or more violations during the previous 12 months but does not meet the criteria for significantly noncompliant industrial users;

* Significant Noncompliance (SNC) - in accordance with requirements described in d. above; and

(e) For significantly noncompliant industrial users, indicate the nature of the violations, the type and number of actions taken (notice of violation, administrative order, criminal or civil suit, fines or penalties collected, etc.) and current compliance status. If ANY industrial user was on a schedule to attain compliance with effluent limits, indicate the date the schedule was issued and the date compliance is to be attained;

(3) A list of all significant industrial users whose authorization to discharge was terminated or revoked during the preceding 12 month period and the reason for termination;

(4) A report on any interference, pass through, upset or POTW permit violations known or suspected to be caused by industrial contributors and actions taken by the permittee in response;

(5) The results of all influent and effluent analyses performed pursuant to paragraph (c) above;

(6) A copy of the newspaper publication of the significantly noncompliant industrial users giving the name of the newspaper and the date published;

(7) The information requested may be submitted in tabular form as per the example tables provided for your convenience (See Attachment A, B and C); and

(8) The monthly average water quality based effluent concentration necessary to meet the state water quality standards as developed in the approved technically based local limits.

E. The permittee shall provide adequate notice of the following:

(1) Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 and 306 of the Act if it were directly discharging those pollutants; and

- (2) Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.

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

7. Land Application of Biosolids Permit Coverage

The permittee must apply for separate permit coverage for the land application of biosolids no later than 180 days from the effective date of this permit. The additional conditions for land application of biosolids in Condition #8 will expire one year from the effective date of this permit or when other coverage is obtained whichever comes first.

8. Additional Conditions For Land Application Of Biosolids

1. The waste disposal system shall be operated in accordance with the Waste Management Plan (WMP) approved by the Department.
2. Plant Available Nitrogen (PAN) shall not be applied at a rate exceeding the annual nitrogen uptake of the crop or allowed to exceed the site specific rate approved by the Department. The PAN shall be calculated using the following equations:

Surface applied waste:	$PAN = 0.3(TKN - NH_3) + 0.5NH_3 + NO_3 + NO_2$
Incorporated waste:	$PAN = 0.3(TKN - NH_3) + NH_3 + NO_3 + NO_2$

3. Land application sites consist of two fields adjacent to the wastewater treatment plant.
4. The biosolids generator must issue a signed certification stating that the Pathogen Reduction, Vector Attraction Reduction, and Pollutant Concentration Limits have been met. The State requirements on Pathogen Reduction, Vector Attraction Reduction, and Pollutant Concentration Limits are the same as those listed in 40 CFR Part 503. All the above information must be made available to the land-applicator before the biosolids materials are delivered. Concurrently, a signed copy of each certification must be also submitted to the ADEQ Water Division.
5. Biosolids can only be stored in accordance with the permit and the approved waste management plan, if provisions are made in the plan for that purpose. The utilization of improvised field storage sites or any other site not approved by the Department is prohibited.

6. Transportation of the biosolids must be such that will prevent the attraction, harborage or breeding of insects or rodents. It must not produce conditions harmful to public health, the environment, odors, unsightliness, nuisances, or safety hazards.
7. The containers used for the transportation of the biosolids must be of the closed type. Transportation equipment must be leak-proof and kept in sanitary condition at all times. Biosolids must be enclosed or covered as to prevent littering, vector attraction, or any other nuisances.
8. The permittee shall be responsible for assuring that the landowner, and the waste applicator (if different from the permittee) abide by the conditions of this permit.
9. Waste shall be land applied by subsoil injection to a depth of 6 - 8 inches or surface applied. Surface applied waste must be evenly distributed over the entire application area.
10. Waste shall not be applied to slopes with a gradient greater than 12%; or to soils that are saturated, frozen or covered with snow, and during rain or when precipitation is imminent, meaning a substantial natural occurrence of precipitation that could cause significant damage to property or threaten human life in the near future.
11. Disposal of waste in a flood plain shall not restrict the flow of the base flood, reduce the temporary storage capacity of the flood plain, or result in a washout of solid waste, so as to pose a hazard to human life, wildlife or land and water uses.
12. Waste shall not be spread within; 50 feet of property lines and rock outcrops; 100 feet of lakes, ponds, springs, wetlands, streams, and sinkholes; 200 feet of drinking water wells; 300 feet of occupied buildings or bodies of water classified as an "extraordinary resource body of water."
13. The soil pH of the sludge application sites must be adjusted with lime in accordance with the University of Arkansas Cooperative Extension Service. Representative soil samples must be taken in accordance with Condition Number 14. If the resulting pH is 5.7 or lower, lime must be applied in accordance with the soil test recommendations. Soil pH is to be monitored in an annual basis and adjusted, if necessary, to the above requirements.

14. The permittee is responsible for the biosolids analyses, soil analyses, and reporting schedule in accordance with the requirements in the following tables.

TABLE I				
Waste Analysis, Reporting, and Record Keeping				
Parameter	Ceiling Concentrations (mg/kg)	Cumulative Pollutant Loading Rate (lb/ac)	Monitoring Frequency	Reporting
Arsenic	75	37	Quarterly	Annually by May 1
Cadmium	85	35	Quarterly	Annually by May 1
Copper	4300	1350	Quarterly	Annually by May 1
Lead	840	270	Quarterly	Annually by May 1
Mercury	57	15	Quarterly	Annually by May 1
Molybdenum	75	Report	Quarterly	Annually by May 1
Nickel	420	378	Quarterly	Annually by May 1
Selenium	100	90	Quarterly	Annually by May 1
Zinc	7500	2520	Quarterly	Annually by May 1
Chromium	Report	Report	Quarterly	Annually by May 1
Polychlorinated Biphenyls (PCB's)	50	N/A	Quarterly	Annually by May 1

TABLE II				
Waste Analysis, Reporting, and Record Keeping				
Parameter	Maximum Limit	Reporting Units	Monitoring Frequency	Reporting
Total Solids	Report	Percentage (%)	Quarterly	Annually by May 1
Nitrate Nitrogen	Report	mg/kg	Quarterly	Annually by May 1
Nitrite Nitrogen	Report	mg/kg	Quarterly	Annually by May 1
Ammonia Nitrogen	Report	mg/kg	Quarterly	Annually by May 1
Total Kjeldahl Nitrogen	Report	mg/kg	Quarterly	Annually by May 1
Total Phosphorus	Report	mg/kg	Quarterly	Annually by May 1
Total Potassium	Report	mg/kg	Quarterly	Annually by May 1
Total Volume Applied	Report	Gallons	Each land application event	Annually by May 1
Application Rate	Nitrogen Uptake of Cover Crop	lb/ac	Prior to land application	Maintain for records

TABLE III			
Soils			
Parameter	Reporting Units	Monitoring Frequency	Reporting
Conductivity	µmhos/cm	Prior to application	Annually by May 1
Cation Exchange Capacity	meq/100g	Prior to application	Annually by May 1
Nitrate-Nitrogen	mg/kg	Prior to application	Annually by May 1
Phosphorus	mg/kg	Prior to application	Annually by May 1
pH*	S.U.	Prior to application	Annually by May 1
Potassium	mg/kg	Prior to application	Annually by May 1
Magnesium	mg/kg	Prior to application	Annually by May 1
Arsenic	mg/kg	Annually	By May 1 of the reporting year
Cadmium	mg/kg	Annually	By May 1 of the reporting year
Chromium	mg/kg	Annually	By May 1 of the reporting year
Copper	mg/kg	Annually	By May 1 of the reporting year
Lead	mg/kg	Annually	By May 1 of the reporting year
Mercury	mg/kg	Annually	By May 1 of the reporting year
Molybdenum	mg/kg	Annually	By May 1 of the reporting year
Nickel	mg/kg	Annually	By May 1 of the reporting year
Selenium	mg/kg	Annually	By May 1 of the reporting year
Zinc	mg/kg	Annually	By May 1 of the reporting year

* See Permit Condition No. 16 of Part II Specific Conditions.

15. Annual reports must be sent to the Department and to the owner of the land receiving biosolids prior to May 1, which must include the following:

The biosolids and soil analyses conducted under Condition Number 14 above (including a statement that the analyses were performed in accordance with EPA Document SW-846, "Test Methods for Evaluation of Solid Wastes" or other approved procedures by the Department), application dates, and locations, quantities of biosolids applied in dry tons per acre per year and in gallons per acre per year, methods of disposal, amounts of nutrients applied, total elements added (in that particular year) in lbs per acre, total elements applied to date, and copies of soil analyses.

16. The Permittee shall maintain complete copies of all the reports including the waste and soil analysis as listed in Condition Number 14 above for Department personnel review. In addition, the permittee must keep the land application log that includes records of waste source, waste type, field name or number (locations), application date, volumes of waste applied (in dry tons/acre-year or gallons/acre-year of waste), methods of disposal, identity of hauler, and type of crop grown for Department personnel review.
17. The permittee must also maintain copies of the above records for Department personnel review at the biosolids generating facility for a period of three (3) years.

9. WHOLE EFFLUENT TOXICITY LIMITS (7-DAY CHRONIC NOEC FRESHWATER)

1. SCOPE AND METHODOLOGY

- a. The permittee shall test the effluent for toxicity in accordance with the provisions in this section.

APPLICABLE TO FINAL OUTFALL(S): 001
REPORTED ON DMR AS FINAL OUTFALL: 001
CRITICAL DILUTION (%): 100%
EFFLUENT DILUTION SERIES (%): 32%, 42%, 56%, 75%, & 100%
LETHAL LIMIT: 100%
SUB-LETHAL LIMIT none
TESTING FREQUENCY once/quarter
COMPOSITE SAMPLE TYPE: Defined at PART I
TEST SPECIES/METHODS: 40 CFR Part 136

Ceriodaphnia dubia chronic static renewal survival and reproduction test, Method 1002.0, EPA-821-R-02-013, or the most recent update thereof. This test should be terminated when 60% of the surviving females in the control produce three broods or at the end of eight days, whichever comes first.

Pimephales promelas (Fathead minnow) chronic static renewal 7-day larval survival and growth test, Method 1000.0, EPA-821-R-02-013, or the most recent update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

- b. The NOEC (No Observed Effect Concentration) is herein defined as the greatest effluent dilution at and below which toxicity (lethal or sub-lethal) that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Chronic lethal test failure is defined as a demonstration of a statistically significant lethal effect at test completion to a test species at or below the critical dilution. Chronic sub-lethal test failure is defined as a demonstration of a statistically significant sub-lethal effect (i.e., growth or reproduction) at test completion to a test species at or below the critical dilution.

- c. The conditions of this item are effective beginning with the effective date of the WET limit. When the testing frequency stated above is less than monthly and the effluent fails the lethal endpoint at or below the critical dilution, the permittee shall be considered in violation of this permit limit and the frequency for the affected species will increase to monthly until such time compliance with the No Observed Effect Concentration (NOEC) effluent limitation is demonstrated for a period of three consecutive months, at which time the permittee may return to the testing frequency stated in PART I of this permit. During the period the permittee is out of compliance, test results shall be reported on the DMR for that reporting period. The purpose of additional tests (also referred to as 'retests' or confirmation tests) is to determine the duration of a toxic event. A test that meets all test acceptability criteria and demonstrates significant toxic effects does not need additional confirmation. Such testing cannot confirm or disprove a previous test result.
- d. This permit may be reopened to require chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

2. REQUIRED TOXICITY TESTING CONDITIONS

a. Test Acceptance

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:

- i. The toxicity test control (0% effluent) must have survival equal to or greater than 80%.
- ii. The mean number of Ceriodaphnia dubia neonates produced per surviving female in the control (0% effluent) must be 15 or more.
- iii. 60% of the surviving control females must produce three broods.
- iv. The mean dry weight of surviving Fathead minnow larvae at the end of the 7 days in the control (0% effluent) must be 0.25 mg per larva or greater.
- v. The percent coefficient of variation between replicates shall be 40% or less in the control (0% effluent) for: the young of surviving females in the Ceriodaphnia dubia reproduction test, the growth and survival of the Fathead minnow test.
- vi. The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal or sub-lethal effects are exhibited for: the

young of surviving females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints in the Fathead minnow test.

- vii. If a test passes, yet the percent coefficient of variation between replicates is greater than 40% in the control (0% effluent) and/or in the critical dilution for: the young of surviving females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints of the Fathead minnow test, the test is determined to be invalid. A repeat test shall be conducted within the required reporting period of any test determined to be invalid.
- viii. If a test fails, test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%.
- ix. A Percent Minimum Significant Difference (PMSD) range of 13 - 47 for Ceriodaphnia dubia reproduction;
- x. A PMSD range of 12 - 30 for Fathead minnow growth.

b. Statistical Interpretation

- i. For the Ceriodaphnia dubia survival test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be Fisher's Exact Test as described in EPA-821-R-02-013 or the most recent update thereof.
- ii. For the Ceriodaphnia dubia reproduction test and the Fathead minnow larval survival and growth test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in EPA-821-R-02-013, or the most recent update thereof.
- iii. If the conditions of Test Acceptability are met in Item 2.a above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution concentration and all lower dilution concentrations, the test shall be considered to be a passing test, and the permittee shall report a survival NOEC of not less than the critical dilution for the DMR reporting requirements found in Item 3 below.

c. Dilution Water

- i. Dilution water used in the toxicity tests will be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar pH, hardness, and

alkalinity to the closest downstream perennial water where the receiving stream is classified as intermittent or where the receiving stream has no flow due to zero flow conditions.

- ii. If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria of Item 2.a), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:
 - (A) a synthetic dilution water control which fulfills the test acceptance requirements of Item 2.a was run concurrently with the receiving water control;
 - (B) the test indicating receiving water toxicity has been carried out to completion (i.e., 7 days);
 - (C) the permittee includes all test results indicating receiving water toxicity with the full report and information required by Item 3.a below; and
 - (D) the synthetic dilution water shall have a pH, hardness, and alkalinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water.

d. Samples and Composites

- i. The permittee shall collect a minimum of three flow-weighted composite samples from the outfall(s) listed at Item 1.a above. Unless otherwise stated in this section, a composite sample for WET shall consist of a minimum of 12 subsamples gathered at equal time intervals during a 24-hour period.
- ii. The permittee must collect all three flow-weighted composite samples within the monitoring period. The permittee shall collect second and third composite samples for use during 24-hour renewals of each dilution concentration for each test. The permittee must collect the composite samples such that the effluent samples are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on a regular or intermittent basis.
- iii. The permittee must collect the composite samples so that the maximum holding time for any effluent sample shall not exceed 72 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first composite sample. Samples shall be chilled to 6 degrees Centigrade during collection, shipping, and/or storage.

- iv. If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions and the sample holding time are waived during that sampling period. However, the permittee must have collected an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 3 of this section
- v. MULTIPLE OUTFALLS: If the provisions of this section are applicable to multiple outfalls, the permittee shall combine the composite effluent samples in proportion to the average flow from the outfalls listed in Item 1.a above for the day the sample was collected. The permittee shall perform the toxicity test on the flow-weighted composite of the outfall samples.
- vi. If chlorination is part of the treatment process, the permittee shall not allow the sample to be dechlorinated at the laboratory. At the time of sample collection the permittee shall measure the TRC of the effluent. The measured concentration of TRC for each sample shall be included in the lab report submitted by the permittee.

3. REPORTING

- a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this section in accordance with the Report Preparation Section of EPA-821-R-02-013, or the most current publication, for every valid or invalid toxicity test initiated whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of PART III.C.7 of this permit. The permittee shall submit full reports. For any test which fails, is considered invalid or which is terminated early for any reason, the full report must be submitted for agency review.
- b. The permittee shall report the Whole Effluent Toxicity values for the 30-Day Average Minimum and the 7-Day Minimum under Parameter No. 22414 on the DMR for that reporting period in accordance with PART III.D.4 of this permit.

If more than one valid test for a species was performed during the reporting period, the test NOECs will be averaged arithmetically and reported as the DAILY AVERAGE MINIMUM NOEC for that reporting period.

If more than one species is tested during the reporting period (in accordance with item 1.a.), the permittee shall report the lowest 30-Day Average Minimum NOEC and the lowest 7-Day Minimum NOEC for Whole Effluent Toxicity.

A valid test for each species must be reported on the DMR during each reporting period specified in PART I of this permit. Only ONE set of WET test data for each species is to be recorded on the DMR for each reporting period. The data submitted should reflect the LOWEST lethal and sub-lethal effects results for each species during the reporting period. The full reports for all invalid tests, repeat tests (for invalid tests), and retests (for tests previously failed) performed during the reporting period must be attached to the DMR for Agency review.

- c. The permittee shall submit the results of the valid toxicity test on the DMR for that reporting period in accordance with PART III.D.4 of this permit, as follows below. Submit retest information clearly marked as such with the following month's DMR. Only results of valid tests are to be reported on the DMR.

i. Pimephales promelas (Fathead minnow)

- A. If the No Observed Effect Concentration (NOEC) for survival is less than or equal to the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TLP6C
- B. Report the NOEC value for survival, Parameter No. TOP6C
- C. Report the NOEC value for growth, Parameter No. TPP6C
- D. If the NOEC for growth is less than or equal to the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TGP6C
- E. Report the highest (critical dilution or control) Coefficient of Variation for growth, Parameter No. TQP6C

ii. Ceriodaphnia dubia

- A. If the NOEC for survival is less than or equal to the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TLP3B
- B. Report the NOEC value for survival, Parameter No. TOP3B
- C. Report the NOEC value for reproduction, Parameter No. TPP3B

D. If the NOEC for reproduction is less than or equal to the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TGP3B

E. Report the higher (critical dilution or control) Coefficient of Variation for reproduction, Parameter No. TQP3B

4. TOXICITY REDUCTION EVALUATIONS (TREs)

TREs for lethal and sub-lethal effects are performed in a very similar manner. EPA Region 6 is currently addressing TREs as follows: a sub-lethal TRE (TRE_{SL}) is triggered based on three sub-lethal test failures while a lethal effects TRE (TRE_L) is triggered based on only two test failures for lethality. In addition, EPA Region 6 will consider the magnitude of toxicity and use flexibility when considering a TRE_{SL} where there are no effects at effluent dilutions of less than 76% effluent.

a. Within ninety (90) days of confirming persistent toxicity, the permittee shall submit a Toxicity Reduction Evaluation (TRE) Action Plan and Schedule for conducting a TRE. The TRE Action Plan shall specify the approach and methodology to be used in performing the TRE. A Toxicity Reduction Evaluation is an investigation intended to determine those actions necessary to achieve compliance with water quality-based effluent limits by reducing an effluent's toxicity to an acceptable level. A TRE is defined as a step-wise process which combines toxicity testing and analyses of the physical and chemical characteristics of a toxic effluent to identify the constituents causing effluent toxicity and/or treatment methods which will reduce the effluent toxicity. The goal of the TRE is to maximally reduce the toxic effects of effluent at the critical dilution and includes the following:

i. Specific Activities. The plan shall detail the specific approach the permittee intends to utilize in conducting the TRE. The approach may include toxicity characterizations, identifications and confirmation activities, source evaluation, treatability studies, or alternative approaches. When the permittee conducts Toxicity Characterization Procedures the permittee shall perform multiple characterizations and follow the procedures specified in the documents 'Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures' (EPA-600/6-91/003) and 'Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I' (EPA-600/6-91/005F), or alternate procedures. When the permittee conducts Toxicity Identification Evaluations and Confirmations, the permittee shall perform multiple identifications and follow the methods specified in the documents 'Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity' (EPA/600/R-92/080) and 'Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic

Toxicity' (EPA/600/R-92/081), as appropriate.

The documents referenced above may be obtained through the National Technical Information Service (NTIS) by phone at (703) 487-4650, or by writing:

U.S. Department of Commerce
National Technical Information Service
5285 Port Royal Road
Springfield, VA 22161

- ii. Sampling Plan (e.g., locations, methods, holding times, chain of custody, preservation, etc.). The effluent sample volume collected for all tests shall be adequate to perform the toxicity test, toxicity characterization, identification and confirmation procedures, and conduct chemical specific analyses when a probable toxicant has been identified;

Where the permittee has identified or suspects specific pollutant(s) and/or source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical specific analyses for the identified and/or suspected pollutant(s) and/or source(s) of effluent toxicity. Where lethality was demonstrated within 48 hours of test initiation, each composite sample shall be analyzed independently. Otherwise the permittee may substitute a composite sample, comprised of equal portions of the individual composite samples, for the chemical specific analysis;

- iii. Quality Assurance Plan (e.g., QA/QC implementation, corrective actions, etc.); and
 - iv. Project Organization (e.g., project staff, project manager, consulting services, etc.).
- b. The permittee shall initiate the TRE Action Plan within thirty (30) days of plan and schedule submittal. The permittee shall assume all risks for failure to achieve the required toxicity reduction.
 - c. The permittee shall submit a quarterly TRE Activities Report, with the Discharge Monitoring Report in the months of January, April, July and October, containing information on toxicity reduction evaluation activities including:
 - i. any data and/or substantiating documentation which identifies the pollutant(s) and/or source(s) of effluent toxicity;
 - ii. any studies/evaluations and results on the treatability of the facility's effluent toxicity; and

- iii. any data which identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant toxicity at the critical dilution.

A copy of the TRE Activities Report shall also be submitted to the state agency.

- d. The permittee shall submit a Final Report on Toxicity Reduction Evaluation Activities no later than twenty-eight (28) months from confirming toxicity in the retests, which provides information pertaining to the specific control mechanism selected that will, when implemented, result in reduction of effluent toxicity to no significant toxicity at the critical dilution. The report will also provide a specific corrective action schedule for implementing the selected control mechanism.

A copy of the Final Report on Toxicity Reduction Evaluation Activities shall also be submitted to the state agency.

- e. Quarterly testing during the TRE is a minimum monitoring requirement. EPA recommends that permittees required to perform a TRE not rely on quarterly testing alone to ensure success in the TRE, and that additional screening tests be performed to capture toxic samples for identification of toxicants. Failure to identify the specific chemical compound causing toxicity test failure will normally result in a permit limit for whole effluent toxicity limits per federal regulations at 40 CFR 122.44(d)(1)(v).

5. TOXICITY RE-OPENER

- a. If the TRE has identified the source of toxicity and led to the successful elimination of effluent toxicity at the critical dilution, the sub-lethal WET final effluent limits may be replaced by monitoring and reporting only requirement. Otherwise, the permittee must comply with the final sub-lethal WET effluent limits.
- b. If the TRE has not led to the successful elimination of effluent toxicity at the critical dilution, but has identified a causal parameter, the sub-lethal WET final effluent limit may be replaced by monitoring and reporting only requirement, with the addition of a limit for the causal parameter.

6. MONITORING FREQUENCY REDUCTION

This section does not apply to any species for which the permit establishes whole effluent toxicity (WET) limits. For the first five years after the effective date of a WET limit, the minimum monitoring frequency for the affected species is once per quarter or once per month (in accordance with Item 1.a.).

- a. The permittee may apply for a testing frequency reduction upon the successful completion of the first four consecutive quarters or first twelve consecutive months (in accordance with Item 1.a.) of testing for a test species, with no lethal or sub-lethal effects demonstrated at or below the critical dilution. If granted, the monitoring frequency for that test species may be reduced to not less than once per year for the less sensitive species (usually the Fathead minnow) and not less than twice per year for the more sensitive test species (usually the Ceriodaphnia dubia).
- b. CERTIFICATION - The permittee must certify in writing that no test failures have occurred and that all tests meet all test acceptability criteria in item 2.a. above. In addition the permittee must provide a list with each test performed including test initiation date, species, NOECs for lethal and sub-lethal effects and the maximum coefficient of variation for the controls. Upon review and acceptance of this information the agency will issue a letter of confirmation of the monitoring frequency reduction. A copy of the letter will be forwarded to the agency's Permit Compliance System section to update the permit reporting requirements.
- c. SUB-LETHAL OR SURVIVAL FAILURES - If any test fails the survival or sub-lethal endpoint at any time during the life of this permit, three monthly retests are required and the monitoring frequency for the affected test species shall be increased to once per quarter until the permit is re-issued. Monthly retesting is not required if the permittee is performing a TRE.
- d. This monitoring frequency reduction applies only until the expiration date of this permit, at which time the monitoring frequency for both test species reverts to once per quarter until the permit is re-issued.

Any monitoring frequency reduction granted applies only until the expiration date of this permit, at which time the monitoring frequency for both test species reverts to once per quarter until the permit is re-issued.

10. If TRC test results are less than Detection Level Achieved (DL), a value of zero (0) may be used for the Discharge Monitoring Report (DMR) calculations and reporting requirements.

Total residual chlorine (TRC) in the effluent composite sample shall be measured and reported both at the time of sample termination and at the time of toxicity test initiation. The permittee shall ensure that the effluent composite used in toxicity testing is representative of normal facility residual chlorine discharge concentration.

**PART III
STANDARD CONDITIONS**

SECTION A – GENERAL CONDITIONS

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Water Act and the Arkansas Water and Air Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; and/or for denial of a permit renewal application. **Any values reported in the required Discharge Monitoring Report (DMR) which are in excess of an effluent limitation specified in Part I shall constitute evidence of violation of such effluent limitation and of this permit.**

2. Penalties for Violations of Permit Conditions

The Arkansas Water and Air Pollution Control Act provides that any person who violates any provisions of a permit issued under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year, or a fine of not more than twenty-five thousand dollars (\$25,000) or by both such fine and imprisonment for each day of such violation. Any person who violates any provision of a permit issued under the Act may also be subject to civil penalty in such amount as the court shall find appropriate, not to exceed ten thousand dollars (\$10,000) for each day of such violation. The fact that any such violation may constitute a misdemeanor shall not be a bar to the maintenance of such civil action.

3. Permit Actions

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

- A. Violation of any terms or conditions of this permit; or
- B. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- C. A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- D. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.
- E. Failure of the permittee to comply with the provisions of APCEC Regulation No. 9 (Permit fees) as required by Part III.A.10. herein.

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

4. Toxic Pollutants

Notwithstanding Part III.A.3., if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under APCEC Regulation No. 2, as amended, or Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitations on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standards or prohibition and the permittee so notified.

The permittee shall comply with effluent standards, narrative criteria, or prohibitions established under APCEC Regulation No. 2, as amended, or Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" (Part III.B.4.a.), and "Upsets" (Part III.B.5.b), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of this permit or applicable state and federal statutes or regulations which defeats the regulatory purposes of the permit may subject the permittee to criminal enforcement pursuant to the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

6. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 of the Clean Water Act.

7. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act.

8. Property Rights

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

9. Severability

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

10. Applicable Federal, State or Local Requirements

Permittees are responsible for compliance with all applicable terms and conditions of this permit. Receipt of this permit does not relieve any operator of the responsibility to comply with any other applicable federal such as endangered species, state or local statute, ordinance or regulation.

11. Permit Fees

The permittee shall comply with all applicable permit fee requirements for wastewater discharge permits as described in APCEC Regulation No. 9 (Regulation for the Fee System for Environmental Permits). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to terminate this permit under the provisions of 40 CFR Parts 122.64 and 124.5 (d), as adopted in APCEC Regulation No. 6 and the provisions of APCEC Regulation No. 8.

SECTION B – OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

A. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

- B. The permittee shall provide an adequate operating staff which is duly qualified to carryout operation, maintenance, and testing functions required to insure compliance with the conditions of this permit.

2. Need to Halt or Reduce not a Defense

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

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment or the water receiving the discharge.

4. Bypass of Treatment Facilities

A. Bypass not exceeding limitation

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts III.B.4.b. and 4.c.

B. Notice

1. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
2. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part III.D.6. (24-hour notice).

C. Prohibition of bypass

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

- (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal or preventive maintenance; and
 - (c) The permittee submitted notices as required by Part III.B.4.b.
2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Part III.B.4.c.(1).

5. Upset Conditions

- A. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Part III.B.5.b. of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- B. Conditions necessary for demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- 1. An upset occurred and that the permittee can identify the specific cause(s) of the upset;
 - 2. The permitted facility was at the time being properly operated.
 - 3. The permittee submitted notice of the upset as required by Part III.D.6.; and
 - 4. The permittee complied with any remedial measures required by Part III.B.3.
- C. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of waste waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the waters of the State. Written approval must be obtained from the ADEQ prior to removal of substances. Additionally, the permittee shall give at least 120 days prior notice to the Director of any change planned in the permittee's sludge disposal practice or land use applications, including types of crops grown (if applicable). Produced sludge shall be disposed of by land application only when meeting the following criteria:

- A. Sewage sludge from treatment works treating domestic sewage (TWTDS) must meet the applicable provisions of 40 CFR Part 503; and
- B. The sewage sludge has not been classified as a hazardous waste under state or federal regulations.

7. Power Failure

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

SECTION C – MONITORING AND RECORDS

1. Representative Sampling

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

2. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than +/- 10% from true discharge rates throughout the range of expected discharge volumes and shall be installed at the monitoring point of the discharge.

Calculated Flow Measurement

For calculated flow measurements that are performed in accordance with either the permit requirements or a Department approved method (i.e., as allowed under Part II.4), the +/- 10% accuracy requirement described above is waived. This waiver is only applicable when the method used for calculation of the flow has been reviewed and approved by the Department.

3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals frequent enough to insure accuracy of measurements and shall insure that both calibration and maintenance activities will be conducted. An adequate analytical quality control program, including the analysis of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory. At a minimum, spikes and duplicate samples are to be analyzed on 10% of the samples.

4. Penalties for Tampering

The Arkansas Water and Air Pollution Control Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year or a fine of not more than ten thousand dollars (\$10,000) or by both such fine and imprisonment.

5. Reporting of Monitoring Results

Monitoring results must be reported on a Discharge Monitoring Report (DMR) form provided by the Department or other form/method approved in writing by the Department (e.g., electronic submittal of DMR once approved). Monitoring results obtained during the previous monitoring period shall be summarized and reported on a DMR form postmarked no later than the 25th day of the month or submitted electronically by 6:00 p.m. of the 25th (after NETDMR is approved), following the completed reporting period beginning on the effective date of the permit. When mailing the DMRs, duplicate copies of the forms signed and certified as required by Part III.D.11 and all other reports required by Part III.D, shall be submitted to the Director at the following address:

Enforcement Branch
Water Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

If permittee uses outside laboratory facilities for sampling and/or analysis, the name and address of the contract laboratory shall be included on the DMR.

6. Additional Monitoring by the Permittee

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

7. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time.

8. Record Contents

Records and monitoring information shall include:

- A. The date, exact place, time and methods of sampling or measurements, and preservatives used, if any;
- B. The individual(s) who performed the sampling or measurements;
- C. The date(s) and time analyses were performed;
- D. The individual(s) who performed the analyses;
- E. The analytical techniques or methods used; and
- F. The measurements and results of such analyses.

9. Inspection and Entry

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

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

SECTION D – REPORTING REQUIREMENTS

1. Planned Changes

The permittee shall give notice within 180 days and provide plans and specification (if applicable) to the Director for review and approval prior to any planned physical alterations or additions to the permitted facility. In no case are any new connections, increased flows, removal of substances, or significant changes in influent quality permitted that cause violation of the effluent limitations specified herein.

2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

The permit is nontransferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

4. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Part III.C.5. **Discharge Monitoring Reports must be submitted even when no discharge occurs during the reporting period.**

5. Compliance Schedule

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

6. Twenty-four Hour Report

A. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain the following information:

1. a description of the noncompliance and its cause;

2. the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 3. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- B. The following shall be included as information which must be reported within 24 hours:
1. Any unanticipated bypass which exceeds any effluent limitation in the permit;
 2. Any upset which exceeds any effluent limitation in the permit and
 3. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part I of the permit to be reported within 24 hours to the Enforcement Section of the Water Division of the ADEQ.
- C. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours to the Enforcement Section of the Water Division of the ADEQ.

7. Other Noncompliance

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

8. Changes in Discharge of Toxic Substances for Industrial Dischargers

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

- A. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 CFR Part 122.42(a)(1); or
- B. That any activity has occurred or will occur which would result in any discharge on a non-routine or infrequent basis of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 CFR Part 122.42(a)(2).

9. Duty to Provide Information

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

10. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The complete application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated in APCEC Regulation No. 6.

11. Signatory Requirements

All applications, reports, or information submitted to the Director shall be signed and certified as follows:

A. All permit applications shall be signed as follows:

1. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operation facilities, provided: the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or
3. For a municipality, State, Federal, or other public agency, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - (a) The chief executive officer of the agency, or
 - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

B. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above.

2. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 3. The written authorization is submitted to the Director.
- C. Certification. Any person signing a document under this section shall make the following certification:

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

12. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2 and APCEC Regulation No. 6, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department of Environmental Quality. As required by the Regulations, the name and address of any permit applicant or permittee, permit applications, permits, and effluent data shall not be considered confidential.

13. Penalties for Falsification of Reports

The Arkansas Air and Water Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this permit shall be subject to civil penalties specified in Part III.A.2. and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

14. Applicable Federal, State or Local Requirements

Permittees are responsible for compliance with all applicable terms and conditions of this permit. Receipt of this permit does not relieve any operator of the responsibility to comply with any other applicable federal, state, or local statute, ordinance, policy, or regulation.

PART IV DEFINITIONS

All definitions contained in Section 502 of the Clean Water Act and 40 CFR 122.2 shall apply to this permit and are incorporated herein by reference. Additional definitions of words or phrases used in this permit are as follows:

1. **"Act"** means the Clean Water Act, Public Law 95-217 (33.U.S.C. 1251 et seq.) as amended.
2. **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.
3. **"APCEC"** means the Arkansas Pollution Control and Ecology Commission.
4. **"Applicable effluent standards and limitations"** means all State and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.
5. **"Applicable water quality standards"** means all water quality standards to which a discharge is subject under the federal Clean Water Act and which has been (a) approved or permitted to remain in effect by the Administrator following submission to the Administrator pursuant to Section 303(a) of the Act, or (b) promulgated by the Director pursuant to Section 303(b) or 303(c) of the Act, and standards promulgated under (APCEC) Regulation No. 2, as amended.
6. **"Bypass"** As defined at 122.41(m).
7. **"Composite sample"** is a mixture of grab samples collected at the same sampling point at different times, formed either by continuous sampling or by mixing a minimum of four discrete samples. May be "time-composite"(collected at constant time intervals) or "flow proportional"(collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increased while maintaining a constant time interval between the aliquots).
8. **Daily Discharge**" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.
 - A. **Mass Calculations:** For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of pollutant discharged over the sampling day.
 - B. **Concentration Calculations:** For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
8. **Daily Maximum**" discharge limitation means the highest allowable "daily discharge" during the calendar month. The 7-day average for Fecal Coliform Bacteria (FCB) or E-Coli is the geometric mean of the values of all effluent samples collected during the calendar week in colonies per 100 ml.
9. **"Department"** means the Arkansas Department of Environmental Quality (ADEQ).
10. **"Director"** means the Director of the Arkansas Department of Environmental Quality.
11. **"Dissolved oxygen limit"**, shall be defined as follows:

- A. When limited in the permit as a minimum monthly average, shall mean the lowest acceptable monthly average value, determined by averaging all samples taken during the calendar month;
 - B. When limited in the permit as an instantaneous minimum value, shall mean that no value measured during the reporting period may fall below the stated value.
12. **"E-Coli"** a sample consists of one effluent grab portion collected during a 24-hour period at peak loads. For E-Coli, report the monthly average as a 30-day geometric mean in colonies per 100 ml.
 13. **"Fecal Coliform Bacteria (FCB)"** a sample consists of one effluent grab portion collected during a 24-hour period at peak loads. For Fecal Coliform Bacteria (FCB) report the monthly average as a 30-day geometric mean in colonies per 100 ml.
 14. **"Grab sample"** means an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.
 15. **"Industrial User"** means a nondomestic discharger, as identified in 40 CFR Part 403, introducing pollutants to a POTW.
 16. **"Instantaneous Maximum"** when limited in the permit as an instantaneous maximum value, shall mean that no value measured during the reporting period may fall above the stated value.
 17. **"Instantaneous Minimum"** an instantaneous minimum value, shall mean that no value measured during the reporting period may fall below the stated value.
 18. **"Monthly average"** means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. For Fecal Coliform Bacteria (FCB) or E-Coli, report the monthly average, (see 30-day average below).
 19. **"National Pollutant Discharge Elimination System"** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 402, 318, and 405 of the Clean Water Act.
 20. **"POTW"** means a Publicly Owned Treatment Works.
 21. **"Severe property damage"** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in products.
 22. **"Sewage sludge"** means the solids, residues, and precipitate separated from or created in sewage by the unit processes at a POTW. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and stormwater runoff that are discharged to or otherwise enter a POTW.
 23. **"7-day average"** Also known as Average weekly. means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.
 24. **"Treatment works"** means any devices and systems used in storage, treatment, recycling, and reclamation of municipal sewage and industrial wastes, of a liquid nature to implement

section 201 of the Act, or necessary to recycle reuse water at the most economic cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities, and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

25. **"Upset"** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. Any upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless of improper operations.
26. **"Visible sheen"** means the presence of a film or sheen upon or a discoloration of the surface of the discharge. A sheen can also be from a thin glistening layer of oil on the surface of the discharge.
27. **"MGD"** shall mean million gallons per day.
28. **"mg/l"** shall mean milligrams per liter or parts per million (ppm).
29. **"µg/l"** shall mean micrograms per liter or parts per billion (ppb).
30. **"cfs"** shall mean cubic feet per second.
31. **"ppm"** shall mean parts per million.
32. **"s.u."** shall mean standard units.
33. **"Weekday"** means Monday – Friday.
34. **Monitoring and Reporting:**

When a permit becomes effective, monitoring requirements are of the immediate period of the permit effective date. Where the monitoring requirement for an effluent characteristic is monthly or more frequently, the Discharge Monitoring Report (DMR) shall be submitted by the 25th of the month following the sampling. Where the monitoring requirement for an effluent characteristic is Quarterly, Semi-Annual, Annual, or Yearly, the DMR shall be submitted by the 25th of the month following the monitoring period end date.

A. MONTHLY:

is defined as a calendar month or any portion of a calendar month for monitoring requirement frequency of once/month or more frequently.

B. BI-MONTHLY:

is defined as two (2) calendar months or any portion of 2 calendar months for monitoring requirement frequency of once/2 months or more frequently.

C. QUARTERLY:

1. is defined as a **fixed calendar quarter** or any part of the fixed calendar quarter for a non-seasonal effluent characteristic with a measurement frequency of once/quarter. Fixed calendar quarters are: January through March, April through June, July through September, and October through December; or

2. is defined as a **fixed three month period** (or any part of the fixed three month period) of or dependent upon the seasons specified in the permit for a seasonal effluent characteristic with a monitoring requirement frequency of once/quarter that does not coincide with the fixed calendar quarter. Seasonal calendar quarters are: May through July, August through October, November through January, and February through April.

D. SEMI-ANNUAL:

is defined as the fixed time periods January through June, and July through December (or any portion thereof) for an effluent characteristic with a measurement frequency of once/6 months or twice/year.

E. ANNUAL or YEARLY:

is defined as a fixed calendar year or any portion of the fixed calendar year for an effluent characteristic or parameter with a measurement frequency of once/year. A calendar year is January through December, or any portion thereof.

Final Fact Sheet

This Fact Sheet is for information and justification of the permit limits only. Please note that it is not enforceable. This permitting decision is for renewal of the discharge Permit Number AR0037907 with Arkansas Department of Environmental Quality (ADEQ) Facility Identification Number (AFIN) 16-00152 to discharge to Waters of the State.

1. PERMITTING AUTHORITY.

The issuing office is:

Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317

2. APPLICANT.

The applicant's mailing address is:

City Water and Light of the City of Jonesboro (CWL)
Westside Wastewater Treatment Plant
400 East Monroe
Jonesboro, AR 72403

The facility address is:

City Water and Light of the City of Jonesboro (CWL)
Westside Wastewater Treatment Plant
1605 Willett Road
Jonesboro, AR 72401

3. PREPARED BY.

The permit was prepared by:

Loretta Reiber, P.E.
Staff Engineer
Discharge Permits Section, Water Division
(501) 682-0612
E-mail: reiber@adeq.state.ar.us

4. PERMIT ACTIVITY.

Previous Permit Effective Date: 2/1/2005
Previous Permit Expiration Date: 1/31/2010

The permittee submitted a permit renewal application on 12/22/2009 with all additional information received by 06/23/2010. The discharge permit is reissued for a 5-year term in accordance with regulations promulgated at 40 CFR Part 122.46(a).

DOCUMENT ABBREVIATIONS

In the document that follows, various abbreviations are used. They are as follows:

BAT - best available technology economically achievable
BCT - best conventional pollutant control technology
BMP - best management plan
BOD₅ - five-day biochemical oxygen demand
BPJ - best professional judgment
BPT - best practicable control technology currently available
CBOD₅ - carbonaceous biochemical oxygen demand
CD - critical dilution
CFR - Code of Federal Regulations
cfs - cubic feet per second
COD - chemical oxygen demand
COE - United States Corp of Engineers
CPP - continuing planning process
CWA - Clean Water Act
DMR - discharge monitoring report
DO - dissolved oxygen
ELG - effluent limitation guidelines
EPA - United States Environmental Protection Agency
ESA - Endangered Species Act
FCB - fecal coliform bacteria
gpm - gallons per minute
MGD - million gallons per day
MQL - minimum quantification level
NAICS - North American Industry Classification System
NH₃-N - ammonia nitrogen
NO₃ + NO₂-N - nitrate + nitrite nitrogen
NPDES - National Pollutant Discharge Elimination System
O&G - oil and grease
Reg. 2 - APCEC Regulation No. 2
Reg. 6 - APCEC Regulation No. 6
Reg. 8 - APCEC Regulation No. 8
Reg. 9 - APCEC Regulation No. 9
RP - reasonable potential
SIC - standard industrial classification

TDS - total dissolved solids
TMDL - total maximum daily load
TP - total phosphorus
TRC - total residual chlorine
TSS - total suspended solids
UAA - use attainability analysis
USFWS - United States Fish and Wildlife Service
WET - Whole effluent toxicity
WQMP - water quality management plan
WQS - Water Quality standards
WWTP - wastewater treatment plant

DMR Review:

The Discharge Monitoring Reports (DMR's) for October 2006 through October 2009 were reviewed during the permit renewal process. One exceedance of the FCB limit was reported in May 2009. No permit action will be taken since only one exceedance was reported during the specified time frame.

Legal Order Review:

There are currently no active Consent Administrative Orders (CAOs) or Notice of Violations (NOVs) for this facility.

5. SIGNIFICANT CHANGES FROM THE PREVIOUSLY ISSUED PERMIT.

The permittee is responsible for carefully reading the permit in detail and becoming familiar with all of the changes therein:

1. The facility coordinates have been changed to the front gate of the facility.
2. The description of the facility location has been modified.
3. The permit now specifies that the wastewater operator must hold a Class IV municipal license.
4. Parts II, III, and IV have been modified.
5. Monitoring and reporting requirements for Total Phosphorous and Nitrates plus Nitrites as Nitrogen have been added to the permit.
6. The receiving stream has been reclassified as a secondary contact recreation stream. The outfall is the beginning of the unnamed tributary which has a watershed area less than 10 square miles.
7. The permittee will be required to obtain separate permit coverage for the land application of sludge.
8. The monthly average CBOD5 concentration limit has been corrected.

9. The SWPPP requirements have been removed from the permit. The permittee has obtained separate permit coverage for stormwater discharges at this facility.
10. Sampling frequencies for CBOD5, TSS, NH3-N, DO, TRC, and pH have been reduced to once per week.
11. Monthly monitoring and reporting requirements for Chlorides and TDS have been included.
12. Quarterly monitoring and reporting requirements for Total Recoverable Aluminum have been included.

6. RECEIVING STREAM SEGMENT AND DISCHARGE LOCATION.

The outfall is located at the following coordinates based on the permit application and confirmed with Google Earth using WGS83:

Latitude: 35° 51' 32" Longitude: 90° 44' 04"

The receiving waters named:

unnamed tributary of Big Creek, thence to Big Creek, thence to Bayou DeView, thence to the Cache River, thence to the White River in Segment 4B of the White River Basin. The receiving stream with USGS Hydrologic Unit Code (H.U.C) of 08020302 and reach #009 (of Big Creek) is a Water of the State classified for secondary contact recreation, raw water source for domestic (public and private), industrial, and agricultural water supplies, propagation of desirable species of fish and other aquatic life, and other compatible uses.

In previous permits, the receiving stream classification was based on the watershed area for Big Creek. However, the outfall is the beginning of an unnamed tributary of Big Creek. The unnamed tributary has a watershed area of less than 10 square miles. The effluent travels approximately two-thirds of a mile prior to entering Big Creek. Therefore, the receiving stream has been reclassified as a secondary contact recreation stream.

7. 303(d) LIST, ENDANGERED SPECIES, AND ANTI-DEGRADATION CONSIDERATIONS.

A. 303(d) List:

Reach #009 of Bayou DeView is on the 2008 303(d) list in Category 5a for chlorides, total dissolved solids, and aluminum due to agriculture and municipal point sources. Reach #004, #005, #006, and #007 of Bayou DeView are on the 2008 303(d) list in Category 5d for lead due to agriculture.

Aluminum monitoring and reporting requirements have been included in the permit because of the parameter's inclusion on the 2008 303(d) list.

Monthly monitoring and reporting requirements for Chlorides and Total Dissolved Solids have been included in the permit. The facility has taken 30 upstream samples in Big Creek as well as 30 effluent samples of Chlorides and Total Dissolved Solids. In order to be conservative, the highest values obtained from the test results were used as well as the procedures outlined in Reg. 2 and the CPP to calculate if reasonable potential exists. The permittee has demonstrated that there is no reasonable potential for water quality violations due to minerals levels in the effluent. (See Attachment 1.)

Category 5d contains those stream segments which are in need of additional information to verify the accuracy of the assessment. Based on the category of the listing and the cause of the impairment, the Department will not take any permit action at this time regarding this listing. The Department reserves the right to reopen the permit to include monitoring and reporting requirements or numerical limits for Total Recoverable Lead should additional information become available.

The Department recognizes that several reaches of the Cache River are on the 2008 303(d) list. These reaches are all upstream of the confluence of the Cache River and Bayou DeView. Therefore, no permit action will be taken regarding those listings.

Although the turbidity impairment for Bayou DeView was "de-listed" in 2006, a TMDL has been completed for turbidity in Bayou DeView stated that the wasteload allocations for the point sources were set to zero because the surrogate being used for turbidity (i.e., TSS) is considered to represent inorganic suspended solids (i.e., soil and sediment particles from erosion or sediment resuspension). The suspended solids discharged by point sources in the Bayou DeView basin are assumed to consist primarily of organic solids rather than inorganic solids. Discharges of organic suspended solids from point sources are already addressed by the Department through the permitting of point sources to maintain water quality standards for DO. Therefore, no additional permit action is necessary.

B. Endangered Species:

No comments on the application were received from the U.S. Fish and Wildlife Service (USF&WS). The draft permit and Fact Sheet were sent to the USF&WS for their review.

C. Anti-Degradation:

The limitations and requirements set forth in this permit for discharge into waters of the State are consistent with the Antidegradation Policy and all other applicable water quality standards found in APC&EC Regulation No. 2.

8. OUTFALL AND TREATMENT PROCESS DESCRIPTION.

The following is a description of the facility described in the application:

- A. Design Flow: 3.0 MGD
- B. Type of Treatment: bar screen, grit removal, primary sedimentation, first and second stage trickling filters, secondary sedimentation, chlorination, dechlorination, and re-aeration
- C. Discharge Description: treated municipal wastewater
- D. Facility Status: This facility is classified as a major municipal since the design flow of the facility 3.0 MGD is greater than 1.0 MGD.

9. ACTIVITY.

Under the Standard Industrial Classification (SIC) code of 4952 or North American Industry Classification System (NAICS) code of 221320, the applicant's activities are the operation of a sewage treatment plant.

10. INDUSTRIAL WASTEWATER CONTRIBUTIONS.

INDUSTRIAL USERS

This facility receives industrial process wastewater. Based on the applicant's effluent compliance history and the type of industrial contributions, standard Pretreatment Program implementation conditions are deemed appropriate at this time.

11. SEWAGE SLUDGE PRACTICES.

Sludge is treated by gravity thickening, lime stabilization and dewatering. It is then land applied in accordance with the terms of this NPDES permit.

The permittee must obtain other permit coverage for the land application of biosolids no later than one year from the effective date of this permit. The additional conditions for land application of biosolids in Condition #9 will expire one year from the effective date of this permit or when other coverage is obtained, whichever comes first.

12. PERMIT CONDITIONS.

The Arkansas Department of Environmental Quality has made a determination to issue a permit for the discharge described in the application. Permit requirements are based on federal regulations (40 CFR Parts 122, 124, and Subchapter N), the National Pretreatment Regulation in 40 CFR Part 403 and regulations promulgated pursuant to the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et. seq.).

A. Final Effluent Limitations

Outfall 001 - treated municipal wastewater

1. Conventional and/or Toxic Pollutants

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Monthly Avg.	7-Day Avg.		
Flow	N/A	Report, MGD	Report, MGD (Daily Max.)	one/day	totalizing meter
Carbonaceous Biochemical Oxygen Demand (CBOD5)	375.3	15	22.5	one/week	composite
Total Suspended Solids (TSS)	500.4	20	30	one/week	composite
Ammonia Nitrogen (NH3-N)	100.1	4	6	one/week	composite
Dissolved Oxygen (DO)	N/A	5.0 (Inst. Min.)		one/week	grab
Fecal Coliform Bacteria (FCB)		(colonies/100 ml)			
	N/A	1000	2000	three/week	grab
Total Residual Chlorine (TRC)	N/A	<0.1 mg/l (Inst. Max.)		one/week	grab
Total Phosphorus (TP)	Report	Report	Report	one/month	composite
Nitrate + Nitrite Nitrogen (NO3+NO2-N)	Report	Report	Report	one/month	composite
Chlorides	Report	Report	Report	one/quarter	composite
Total Dissolved Solids	Report	Report	Report	one/quarter	composite
Aluminum, Total Recoverable	N/A	Report	Report	one/year	composite
pH	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	one/week	grab
Chronic Lethal WET Limit	N/A	Not < 100%		one/quarter	composite

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

13. BASIS FOR PERMIT CONDITIONS.

The following is an explanation of the derivation of the conditions of the permit and the reasons for them or, in the case of notices of intent to deny or terminate, reasons suggesting the decisions as required under 40 CFR Part 124.7.

Technology-Based Versus Water Quality-Based Effluent Limitations And Conditions

Following regulations promulgated at 40 CFR Part 122.44, the permit limits are based on either technology-based effluent limits pursuant to 40 CFR Part 122.44 (a) or on State water quality standards and requirements pursuant to 40 CFR Part 122.44 (d), whichever are more stringent as follows:

Parameter	Water Quality-Based		Technology-Based/BPJ		Previous Permit		Permit Limit	
	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l
CBOD5	15	22.5	25	40	15	23	15	22.5
TSS	N/A	N/A	30	45	20	30	20	30
NH3-N	4	6	N/A	N/A	4	6	4	6
DO	5.0 (Inst. Min.)		N/A		5.0 (Inst. Min.)		5.0 (Inst. Min.)	
FCB (col/100 ml)								
(April – September)	1000	2000	N/A	N/A	200	400	1000	2000
(October – March)	1000	2000	N/A	N/A	1000	2000	1000	2000
TRC (Inst. Max)	N/A		< 0.1 mg/l		< 0.1 mg/l		< 0.1 mg/l	
TP	N/A	N/A	Report	Report	N/A	N/A	Report	Report
NO ₃ + NO ₂ - N	N/A	N/A	Report	Report	N/A	N/A	Report	Report
Chlorides	N/A	N/A	Report	Report	N/A	N/A	Report	Report
TDS	N/A	N/A	Report	Report	N/A	N/A	Report	Report

Parameter	Water Quality-Based		Technology-Based/BPJ		Previous Permit		Permit Limit	
	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l
Aluminum, Total Recoverable	N/A	N/A	Report	Report	N/A	N/A	Report	Report
pH	6.0-9.0 s.u.		6.0-9.0 s.u.		6.0-9.0 s.u.		6.0-9.0 s.u.	

A. Justification for Limitations and Conditions of the Permit:

Parameter	Water Quality or Technology	Justification
CBOD5	Water Quality	MultiSMP Model dated 02/03/2010
TSS	Technology	40 CFR 122.44(l) and previous permit
NH3-N	Water Quality	MultiSMP Model dated 02/03/2010
DO	Water Quality	Reg. 2.505
FCB (col/100 ml)	Water Quality	Reg. 2.507
TRC (Inst. Max)	Water Quality	Reg. 2.409 (narrative standard)
TP	Technology	CPP
NO ₃ + NO ₂ - N	Technology	CPP
Chlorides	Technology	Judgment of permit writer
TDS	Technology	Judgment of permit writer
Aluminum, Total Recoverable	Technology	Inclusion of Bayou de View on 2008 303(d) list due to Aluminum
pH	Water Quality	Reg. 2.504

The 7-day average CBOD5 limit has been corrected to be exactly 1.5 times the monthly average limit. No other changes to the CBOD5 limits are occurring with this permit renewal.

The TSS, the NH3-N, and the pH limits as well as the DO requirements are not changing with this permit renewal. NH3-N limits based on the toxicity criteria contained in Reg. 2.512 have not been calculated. WET limits have been included in the permit in lieu of NH3-N limits based on Reg. 2.512.

FCB limits in the previous permit were based on a misclassification of the receiving stream. The previous classification of the receiving stream as a primary contact recreation water was based on the watershed area for Big Creek. The permittee discharges into an unnamed tributary of Big Creek. The outfall is the head of the unnamed tributary which has a watershed area less than 10 square miles. The effluent

travels approximately 1200 yards before entering Big Creek. Therefore, the FCB limits have been changed to the requirements for streams classified for secondary contact recreation.

Total Phosphorous and Nitrates plus Nitrites as Nitrogen monitoring and reporting requirements have been included in the permit based upon the CPP. The information is needed to assess the amount of nutrients being added to the watershed and to ensure that the facility is not causing an overload of nutrients in the receiving stream. Excess nutrients in the receiving stream can cause objectionable algal densities or other nuisance aquatic vegetation or otherwise impair any designated use of the receiving stream. The Department reserves the right to reopen the permit to include numerical limits for one or both of the parameters based upon the data submitted on the required DMRs.

An instantaneous maximum TRC limit has been continued from the previous permit because the facility is classified as a major municipal and dechlorination takes place at this facility.

Monitoring and reporting requirements for Chlorides and TDS have been included in the permit because Big Creek is on the 2008 303(d) list for those parameters. These requirements may be removed during the next permit renewal of through a major modification of this permit depending on the results of the UAA now in progress.

Monitoring and reporting requirements for Total Recoverable Aluminum have been included in the permit because Bayou de View is on the 2008 303(d) list due to this parameter.

B. Anti-backsliding

The permit is consistent with the requirements to meet Anti-backsliding provisions of the Clean Water Act (CWA), Section 402(o) [40 CFR 122.44(l)]. The final effluent limitations for reissuance permits must be as stringent as those in the previous permit, unless the less stringent limitations can be justified using exceptions listed in 40 CFR 122.44 (l)(2)(i).

The permit maintains the requirements of the previous permit with the exception of FCB. The FCB limits in the previous permit were those given to facilities which discharge to a stream classified for primary contact recreation since the watershed area for Big Creek is more than 10 square miles. The facility discharges into an unnamed tributary of Big Creek. That unnamed tributary is classified for secondary contact recreation because it has a watershed area of less than 10 square miles. The increase is in accordance with 40 CFR 122.44(l) because a mistaken interpretation of the regulations was made. (See 40 CFR 122.44(l)(2)(i)(B)(2).)

C. Limits Calculations

1. Mass limits:

In accordance with 40 CFR 122.45(f)(1), all pollutants limited in permits shall have limitations expressed in terms of mass if feasible. 40 CFR 122.45(f)(2) allows for pollutants which are limited in terms of mass to also be limited in terms of other units of measurement.

The calculation of the loadings (lbs per day) uses a design flow of 3.0 MGD and the following equation:

$$\text{lbs/day} = \text{Concentration (mg/l)} \times \text{Flow (MGD)} \times 8.34$$

2. Daily Maximum Limits:

The daily maximum limits for CBOD5, TSS, and NH3-N are based on Section 5.4.2 of the Technical Support Document for Water Quality-Based Toxics Control.

$$\text{Daily Maximum limits} = \text{Monthly average limits} \times 1.5 - 2$$

The 7-day average limit for FCB is based on Reg. 2.507.

D. 208 Plan (Water Quality Management Plan)

No changes to the 208 Plan are proposed with this permit modification.

E. Priority Pollutant Scan (PPS)

ADEQ has reviewed and evaluated the effluent in accordance with the potential toxicity of each analyzed pollutant using the procedures outlined in the Continuing Planning Process (CPP).

The concentration of each pollutant after mixing with the receiving stream was compared to the applicable water quality standards as established in the Arkansas Water Quality Standards (AWQS), Regulation No. 2 (Reg. 2.508) and criteria obtained from the "Quality Criteria for Water, 1986 (Gold Book)".

Under Federal Regulation 40 CFR Part 122.44(d), as adopted by Regulation No. 6, if a discharge poses the reasonable potential to cause or contribute to an exceedance above a water quality standard, the permit must contain an effluent limitation for that pollutant. Effluent limitations for the toxicants listed below have been derived in a manner

consistent with the Technical Support Document (TSD) for Water Quality-based Toxics Control (EPA, March 1991), the CPP, and 40 CFR Part 122.45(c).

The following items were used in calculations:

Flow = Q	3 MGD = 4.635 cfs	Application
7Q10	0 cfs	U.S.G.S.
TSS	8 mg/l	CPP
Hardness as CaCo3	81 mg/l	CPP
pH	7.19 s.u.	WHI0172 on 3/31/2009

The following pollutants were reported above the required MQL or the MQL achieved by the permittee during the effluent testing:

Pollutant	Concentration Reported, $\mu\text{g/l}$	Required MQL, $\mu\text{g/l}$
Total Recoverable Arsenic	5.22	0.5
Total Recoverable Copper	8.52	0.5
Total Recoverable Lead	0.998	0.5
Total Recoverable Mercury	0.00475*	0.005
Total Recoverable Nickel	4.77	0.5
Total Recoverable Zinc	19.3	20
Chloroform	7.61	10
Dichlorobromomethane	3.04	10
Bis(2-ethylhexyl)phthalate	17.6	10

*Geometric mean based on 17 samples.

ADEQ has determined from the submitted information that the discharge does not pose the reasonable potential to cause or contribute to an exceedance above a water quality standard.

14. TOTAL RESIDUAL CHLORINE (TRC) REQUIREMENTS.

After dechlorination and prior to final disposal, the effluent shall contain NO MEASURABLE TRC at any time. NO MEASURABLE will be defined as no detectable concentration of TRC as determined by any approved method established in 40 CFR Part 136 as less than 0.1 mg/l. Thus, the "no measurable TRC concentration" for chlorine becomes the permit limit. The effluent limitation for TRC is the instantaneous maximum and cannot

be averaged for reporting purposes. TRC shall be measured with fifteen (15) minutes of sampling.

15. WHOLE EFFLUENT TOXICITY.

A. Post Third Round Policy and Strategy

Section 101(a)(3) of the Clean Water Act states that ".....it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited....." To ensure that the CWA's prohibitions for toxics are met, EPA has issued a "Policy for the Development of Water Quality-Based Permit Limitations for Toxic Pollutants (49 FR 9016-9019, 3/9/84)." In support of the national policy, Region 6 adopted the "Policy for Post Third Round NPDES Permitting" and the "Post Third Round NPDES Permit Implementation Strategy" on October 1, 1992. In addition, ADEQ is required under 40 CFR Part 122.44(d)(1), adopted by reference in Regulation 6, to include conditions as necessary to achieve water quality standards as established under Section 303 of the Clean Water Act.

The Regional policy and strategy are designed to ensure that no source will be allowed to discharge any wastewater which (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical State Water Quality Standard (WQS) resulting in non-conformance with the provisions of 40 CFR Part 122.44(d); (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

Whole effluent toxicity (WET) testing has been establishing for assessing and protecting against impacts upon water quality and designated uses caused by the aggregate toxic effect of the discharge of pollutants. The stipulated test species, which are appropriate to measure whole effluent toxicity, are consistent with the requirements of the State Water Quality Standards. The WET testing frequency has been established to reflect the likelihood of ambient toxicity and to provide data representative of the toxic potential of the facility's discharge, in accordance with the regulations promulgated at 40 CFR Part 122.48.

B. Implementation

Arkansas has established a narrative water quality standard under the authority of Section 303 of the CWA which states "toxic materials shall not be present in receiving waters in such quantities as to be toxic to human, animal, plant or aquatic life or to interfere with the normal propagation, growth and survival of aquatic biota."

Whole effluent toxicity testing conducted by the permittee has shown potential ambient toxicity to be the result of the permittee's discharge to receiving stream or water body, at the appropriate instream critical dilution. Pursuant to 40 CFR 122.44(d)(1)(v), ADEQ

has determined from the permittee's self-reporting that the discharge from this facility does have the reasonable potential to cause, or contribute to an instream excursion above the narrative standard within the applicable State Water Quality Standards, in violation of Section 101(a)(3) of the Clean Water Act. Therefore, the draft permit must establish both monthly average and 7-day minimum effluent limitations for lethality following Regulations promulgated by 40 CFR 122.44(d)(1)(v). These effluent limitations for lethality (7-day NOEC) are applied at Outfall 001 on the effective date of the permit. The daily average lethality (7-day NOEC) and 7-day minimum lethality (7-day NOEC) value shall not be less than 100% (Critical Dilution) effluent for Outfall 001.

WET testing of the effluent is thereby required as a condition of this permit to assess potential toxicity. The WET testing procedures stipulated as a condition of this permit are as follows:

TOXICITY TESTS	FREQUENCY
Chronic WET	Once/quarter

Since 7Q10 is less than 100 cfs (ft³/sec) and dilution ratio is less than 100:1, chronic WET testing requirements will be included in the permit.

The calculations for dilution used for chronic WET testing are as follows:

$$\begin{aligned}\text{Critical dilution (CD)} &= (Q_d / (Q_d + Q_b)) \times 100 \\ Q_d &= \text{Design flow} = 3.0 \text{ MGD} = 4.635 \text{ cfs} \\ 7Q10 &= 0 \text{ cfs} \\ Q_b &= \text{Background flow} = (0.67) \times 7Q10 = 0 \text{ cfs} \\ CD &= (4.635) / (4.635 + 0) \times 100 = 100\%\end{aligned}$$

A minimum of five effluent dilutions in addition to an appropriate control (0%) are to be used in the toxicity tests. These additional effluent concentrations are 32%, 42%, 56%, 75%, and 100% (see the CPP). The low-flow effluent concentration (critical dilution) is defined as 100% effluent based on a 0 cfs 7Q10 flow of the receiving stream.

Results of all dilutions as well as the associated chemical monitoring of pH, temperature, hardness, dissolved oxygen conductivity, and alkalinity shall be reported according to EPA/600/4-89/001 and shall be submitted as an attachment to the Discharge Monitoring Report (DMR).

C. Administrative Records

The following information summarized toxicity test failures submitted by the permittee during the term of the current permit at Outfall 001:

Permit Number: AR0037907 AFIN: 16-00152 Outfall Number: 001
 Date of Review: 7/7/2010 Reviewer: M. Barnett
 Facility Name: Jonesboro Westside Wastewater Treatment Plant
 Previous Dilution series: 32, 42, 56, 75, 100 Proposed Dilution Series: 32, 42, 56, 75, 100
 Previous Critical Dilution: 100 Proposed Critical Dilution: 100
 Previous TRE activities: 1992

Frequency recommendation by species

Pimephales promelas (Fathead minnow): once/quarter
Ceriodaphnia dubia (water flea): once/quarter

TEST DATA SUMMARY

TEST DATE	Vertebrate		Invertebrate	
	Lethal NOEC	Sub-Lethal NOEC	Lethal NOEC	Sub-Lethal NOEC
Mar-05	100	100	100	100
Jun-05	100	100	56	32
Jul-05	100	100	100	100
Aug-05	100	100	100	100
Sep-05	100	100	100	100
Dec-05	100	100	100	100
Mar-06	100	100	100	100
Jun-06	100	100	100	100
Sep-06	100	100	100	100
Dec-06	100	100	100	100
Dec-06	100	100		
Mar-07			100	100
Jun-07	100	100	100	100
Sep-07	100	100	100	100
Dec-07	100	100	100	100
Mar-08	100	100	100	100
Jun-08	100	100	100	100
Sep-08	100	100	100	100
Dec-08	100	100	100	100
Mar-09	100	100	100	100
Jun-09	100	100	100	100
Sep-09	100	100	100	100
Dec-09	100	100	100	100
Mar-10	100	100	100	100

Failures are noted in **BOLD**

REASONABLE POTENTIAL CALCULATIONS

	Vertebrate Lethal	Vertebrate Sub-Lethal	Invertebrate Lethal	Invertebrate Sub-Lethal
Min NOEC Observed	100	100	56	32
TU at Min Observed	1.00	1.00	1.79	3.13
Count	23	23	23	23
Failure Count	0	0	1	1
Mean	1.000	1.000	1.034	1.092
Std. Dev.	0.000	0.000	0.164	0.443
CV	0	0	0.2	0.4
RPMF	#N/A	#N/A	1.1	1.2
Reasonable Potential	#N/A	#N/A	1.964	3.750

PERMIT ACTION

Lethal WET limits have been included due to NH3-N toxicity, not due to WET test failures.
There have been no sub-lethal failures for <i>P. promelas</i> during the past five five years, therefore sub-lethal WET limits are not required.
Reasonable potential appears to exist for <i>C. dubia</i> sub-lethal, however, sub-lethal WET limits are not required at this time because the lone sub-lethal failure took place nearly 5 years ago. There is insufficient evidence to support the inclusion of a sub-lethal limit. Additional data is needed to confirm the necessity for a sub-lethal limit, therefore it is not required at this time.
The inclusion of requirements for retests for sub-lethal failures will provide sufficient documentation concerning the necessity for a TRE, and the potential for inclusion of sub-lethal WET limits if appropriate.
<i>P. promelas</i> lethal - WET Limit <i>P. promelas</i> sub-lethal - WET Monitoring <i>C. dubia</i> lethal - WET Limit <i>C. dubia</i> sub-lethal - WET Monitoring

16. SAMPLE TYPE AND FREQUENCY.

Requirements for sample type have been based on the current discharge permit for those parameters where grab samples are required. The 6-hour composite sample types have been changed to composite in order to allow the facility flexibility in obtaining the samples. The facility is still required to obtain samples which are representative of their discharge.

Sampling frequencies for CBOD5, TSS, NH3-N, DO, TRC, and pH have been reduced to once per week based on the sampling results submitted for the last two years. FCB was not eligible for a reduction in sampling frequency due to a permit violation in May 2009. The Department recognizes that the FCB limits in effect at that time were lower than they should have been. However, the FCB limit reported for May 2009 would still have exceeded the corrected 7-day average limit.

Sample types and sampling frequencies for Chlorides and Total Dissolved Solids have been set as composite samples to be taken once per quarter. The sample type was set as composite as other samples for other parameters already in the permit are required to be composite. The sampling frequency of once per quarter has been deemed sufficient to gather information on these parameters at the current operating conditions, i.e., receiving no waste from septic tank haulers and discontinuing the use of one of the drinking water sources.

Sampling frequencies for TP and NO₃ + NO₂ - N have been based upon the judgment of the permit writer. As stated in Item #13.A of this fact sheet, TP and NO₃ + NO₂ - N have been included in order to gather information concerning the levels of nutrients being added to receiving streams. The frequency of once per month will allow the Department to gather a sufficient amount of information over the life of the permit. The sample types for TP and NO₃ + NO₂ - N have been based upon the requirements for other parameters in the permit.

The sample type and sampling frequency for Total Recoverable Aluminum have been based upon the judgment of the permit writer. "Composite" is the sample type typically required for metals. A sampling frequency of once per year has been deemed sufficient to gather the information necessary to determine if this facility is causing or contributing to the impairment of Bayou de View due to Aluminum. The facility also monitors the level of Aluminum in the effluent as part of their pretreatment program.

Parameter	Previous Permit		Final Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
Flow	once/day	totalizing meter	once/day	totalizing meter
CBOD5	three/week	6-hr composite	one/week	composite
TSS	three/week	6-hr composite	one/week	composite

Parameter	Previous Permit		Final Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
NH3-N	three/week	6-hr composite	one/week	composite
DO	three/week	grab	one/week	grab
FCB	three/week	grab	three/week	grab
TRC	three/week	grab	one/week	grab
TP	N/A	N/A	one/month	composite
NO ₃ + NO ₂ - N	N/A	N/A	one/month	composite
Chlorides	N/A	N/A	one/quarter	composite
TDS	N/A	N/A	one/quarter	composite
Aluminum, Total Recoverable	N/A	N/A	one/year	composite
pH	three/week	grab	one/week	grab

17. STORMWATER REQUIREMENTS

The Stormwater Pollution Prevention Plan requirements have been removed from the permit. The permittee is required to obtain separate permit coverage for stormwater discharges from this facility.

18. PERMIT COMPLIANCE.

Compliance with final effluent limitations is required by the following schedule:

Compliance is required on the effective date of the permit.

19. MONITORING AND REPORTING.

The applicant is at all times required to monitor the discharge on a regular basis and report the results monthly. The monitoring results will be available to the public.

20. SOURCES.

The following sources were used to draft the permit:

- A. Application No. AR0037907 received 12/22/2009.
- B. Arkansas Water Quality Management Plan (WQMP).
- C. APCEC Regulation No. 2.
- D. APCEC Regulation No. 3.
- E. APCEC Regulation No. 6.
- F. 40 CFR Parts 122, 125, 133 and 403.
- G. Discharge permit file AR0037907.
- H. Discharge Monitoring Reports (DMRs).
- I. "Arkansas Water Quality Inventory Report 2008 (305B)", ADEQ.
- J. "Identification and Classification of Perennial Streams of Arkansas", Arkansas Geological Commission.
- K. Continuing Planning Process (CPP).
- L. Technical Support Document For Water Quality-based Toxic Control.
- M. Region 6 Implementation Guidance for Arkansas Water Quality Standards promulgated at 40 CFR Part 131.36.
- N. Inspection Report dated 9/15/2009.
- O. Site Visit on 02/24/2010.
- P. Meeting between the Department and the permittee on 03/08/2010.
- Q. E-mail from Susan Meredith to Mo Shafii dated 06/23/2010.
- R. E-mail from Michael Tillman, EPA Region VI, to Loretta Reiber, P.E. dated 01/12/2011.
- S. E-mail from Michael Tillman, EPA Region VI, to Mo Shafii dated 02/01/2011.
- T. Letter from Jake Rice, III, P.E. to Loretta Reiber, P.E. dated 4/15/2011.

21. POINT OF CONTACT.

For additional information, contact:

Loretta Reiber, P.E.
Permits Branch, Water Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317
Telephone: (501) 682-0612

ATTACHMENT 1

Permittee: CWL Jonesboro West

Permit No.: AR0037907

Receiving Stream: unnamed tributary of Big Creek

Design flow (Qd) = 3 MGD = 4.635 CFS

Municipalities = Design Flow
Industrial discharges = Highest monthly average flow of the last two years

Qb(4 cfs or Harmonic mean flow) = 4 CFS Qb(7Q10), drink = 0 CFS Has drinking water been removed? yes

If no data is available for Qb or a small stream enter 4 CFS

Reported Value (Ce) =

Chlorides (Cl) = 75 mg/l
Sulfates (SO4) = 59 mg/l
Total Dissolved Solids (TDS) = 480 mg/l

Pollutant Concentration Upstream (Cb) =

Chlorides = 9 mg/l
Sulfates = 10 mg/l
TDS = 188 mg/l

Cb for small streams (7Q10 < 100 CFS) by ecoregion are as follows:

	Cl	SO4	TDS
Gulf Coastal Plains	5	13	67
Ouachita Mts.	3	6	53
Ark. River Valley	4	4	51
Boston Mts.	3	3	37
Ozark Highlands	0	6	143
Delta	9	10	188

Cb for large streams for the closest upstream station are as follows:

	SO4	Cl	TDS		SO4	Cl	TDS		SO4	Cl	TDS
Red River				Arkansas River				White River			
RED 25	116	152	585	ARK 38	47	96	341	WHIT 38	7	6	148
At Index	133	182	635	ARK 33	48	99	347	WHIT 31	6	6	148
RED 09	65	93	387	ARK 32	49	100	350	WHIT 29	7	5	157
Ouachita River				ARK 31	47	99	336	At Calico Rock	7	4	153
OJA 08A	13	38	127	ARK 30	44	92	315	WHIT 46	6	5	146
OJA 30	12	10	60	ARK 29	43	88	284	St. Francis			
				ARK 46	50	83	304	FRA 13	14	8	141
				ARK 48	46	78	298				
				ARK 20	40	77	298				

Stream		Drinking Water	
Chlorides (Cl):		Chlorides (Cl):	
IWC = (Cb*Qb + Ce*Qe)/(Qb + Qe)		IWC = (Cb*Qb + Ce*Qe)/(Qb + Qe)	
IWC = 44.4 mg/l		IWC = 75.0 mg/l	
Sulfates (SO4):		Sulfates (SO4):	
IWC = (Cb*Qb + Ce*Qe)/(Qb + Qe)		IWC = (Cb*Qb + Ce*Qe)/(Qb + Qe)	
IWC = 36.3 mg/l		IWC = 59.0 mg/l	
Total Dissolved Solids (TDS):		Total Dissolved Solids (TDS):	
IWC = (Cb*Qb + Ce*Qe)/(Qb + Qe)		IWC = (Cb*Qb + Ce*Qe)/(Qb + Qe)	
IWC = 344.7 mg/l		IWC = 480.0 mg/l	

Stream	Reported Value (Cd, mg/l)	WQS (Reg. No. 2) (Sec. 6(K))	IWC (mg/l)	Does IWC Exceed WQS?	Limits (mg/l) Monthly Average
Chlorides (Cl)	75	71	44.4	No	None
Sulfates (SO4)	59	60	36.3	No	None
Total Dissolved Solids (TDS)	480	453	344.7	No	None

**RESPONSE TO COMMENTS
FINAL PERMITTING DECISION**

Response to comments received on the subject draft permit in accordance with regulations promulgated at 40 CFR Part 124.17 and Reg. 8.211(A)(2) are as follows:

Permit No.: AR0037907

Applicant: City Water and Light of the City of Jonesboro (CWL)
Westside Wastewater Treatment Plant

Prepared by: Loretta Reiber, P.E.

Public Notice Date: The draft permit was publicly noticed on or about March 15, 2011.

Date Prepared: April 20, 2011

The following comments have been received on the draft permit:

Correspondence from Jake Rice, III, P.E. to Loretta Reiber, P.E. dated 04/15/2011.

ISSUE #1

The permittee stated that the Fact Sheet says that monitoring and reporting requirements for Total Phosphorous and Nitrates plus Nitrites as Nitrogen were included based upon the CPP and for informational purposes. The permittee requested that ADEQ remove the monitoring and reporting requirements for these two parameters during the next permit renewal and that numerical limits for these parameters not be introduced at that time.

RESPONSE #1

While the Fact Sheet does state that the monitoring and reporting requirements were included based upon the CPP, it does not state that it is for information purposes only.

The Department cannot state at this time if the monitoring and reporting requirements will be included in the next permit or if numerical limits will be included. Any decision made regarding the inclusion of Total Phosphorous and Nitrates plus Nitrites as Nitrogen in the next permit renewal will be made at the time of the next permit renewal.

ISSUE #2

The permittee stated that the UAA in regards to minerals in the receiving stream has been completed and approved by EPA. The data collected demonstrates that CWL's Westside Wastewater Treatment Plant does not have the reasonable potential to exceed the site-specific water quality criteria. Since the monitoring and reporting requirements for Chlorides and TDS are based upon Big Creek's inclusion on the 2008 303(d) list for these parameters prior to the establishment of the current site-specific criteria, CWL requested that these parameters be removed from the permit. If the Department determines that these requirements must remain in

the permit, CWL requests that they be removed without a major permit modification once adequate data is available to confirm that reasonable potential for water quality violations due to the levels of Chlorides and TDS in the effluent does not exist.

RESPONSE #2

Although the standards in Reg. 2.511 have been changed for the unnamed tributary of Big Creek and Big Creek, the stream has not been removed from the 303(d) list. Therefore, the monitoring and reporting requirements for Chlorides and TDS will remain in the permit. However, the monitoring frequency will be reduced to once per quarter for both of the parameters in question. This will allow for sufficient information to be gathered concerning the levels of Chlorides and TDS at the current operating conditions.

Item #5 of the Administrative Guidance Document contained in Chapter IX of the CPP requires facilities whose receiving streams' dissolved minerals criteria have been amended to have monitoring and reporting requirements for the applicable minerals in their permit. Additional data is needed based on the changes made shortly before and during the permit renewal process, i.e., stoppage of accepting septic tank waste and the use of one of the drinking water sources for the City of Jonesboro. While the Department does not feel that these changes would influence the findings of the UAA, data is needed for the current operating conditions.

40 CFR 122.63 does not allow for a parameter to be removed from the permit through a minor modification. Therefore, the Department cannot grant the permittee's request to have the monitoring and reporting requirements for Chlorides and TDS removed from the permit without a major permit modification.

ISSUE #3

The permittee stated that they understood that monitoring and reporting requirements for Aluminum were included in the permit because Bayou DeView is on the 2008 303(d) list for that parameter. The permittee submitted several test results for Aluminum which showed the levels to be below 100 µg/l. Two test results from 2009 were above 100 µg/l. One result was 107 µg/l and the other was 415 µg/l. The permittee stated that they have passed all WET testing and that the wastewater treatment plant does not use any chemicals which contain Aluminum. The permittee requested that the monitoring and reporting requirements for Aluminum be removed from the permit.

If the Aluminum requirements are not removed from the permit, the facility requested that, once adequate data is available confirming reasonable potential to exceed water quality criteria for Aluminum does not exist, the monitoring and reporting requirements be removed without a major permit modification.

RESPONSE #3

The Aluminum requirements will remain in the permit because the permittee has reported two results over 100 µg/l. Although the result of 415 µg/l can be discarded because it is significantly

different from every other test result, the result of 107 µg/l cannot be discarded. The Department understands that significant changes have occurred at this facility since the Aluminum level was over 100 µg/l. However, the more recent test results showing Aluminum levels to be less than 100 µg/l cannot be directly tied to those changes, i.e., stoppage of accepting septic tank waste and the use of one of the drinking water sources for the City of Jonesboro.

Since the facility has not reported an Aluminum level in the effluent over 100 µg/l since the operational changes, the Department has determined that a reduction in the monitoring frequency is warranted. A monitoring frequency of once per year will allow the necessary data to be gathered concerning the levels of Aluminum in the effluent from this facility. Therefore, the frequency will be reduced.

40 CFR 122.63 does not allow for a parameter to be removed from the permit through a minor modification. Therefore, the Department cannot grant the permittee's request to have the monitoring and reporting requirements for Aluminum removed from the permit without a major permit modification.

ISSUE #4

The permittee stated that the table on page 12 of the Fact Sheet is preceded by the statement that the "following pollutants were reported above the required MQL." The permittee stated that the concentration values for Total Recoverable Mercury, Total Recoverable Zinc, Chloroform, and Dichlorobromomethane are all below the listed MQL.

RESPONSE #4

The Fact Sheet will be modified to state that the "The following pollutants were reported above the required MQL or the MQL achieved by the permittee during the effluent testing."

ISSUE #5

The third paragraph on Item #18 on page 17 of the Fact Sheet, previous permit language identified the permittee's eastside plant (NPDES Permit No. AR0043401) as the "tracking" permit for certification of adequate technically based local limits (TBLL). AR0043401 includes a second option for TBLL certification of submitting within 60 days a written notification that a technical evaluation revising the current TBLL will be submitted within 12 months of the effective date of the permit. As a result of the permittee's recent pretreatment program audit, the permittee understands that a complete re-evaluation of the need for TBLL is required. With all these facts in mind, the permittee requests 12 months from the effective date of the permit to complete a thorough and complete TBLL evaluation.

RESPONSE #5

The permittee notified the Department that a technical evaluation revising the current TBLLs would be submitted as required under NPDES Permit No. AR0043401. The permittee is not

required to submit the notice a second time. The condition requiring a notification within 60 days of the effective date of the permit has been removed from Part IB and Part II.

ISSUE #6

Regarding Condition No. 6(a) of Part II of the permit, the permittee stated that they were required in Part III of NPDES Permit No. AR0043401 to submit all necessary proposed modifications to the Sewer Use Ordinance (SUO) and pretreatment program with 12 months of the effective date of that permit. CWL submitted modifications to the Department on November 29, 2007. The Department sent a checklist and proposed draft ordinance to the permittee on March 13, 2009. The permittee submitted a second draft ordinance with significant modifications to the Department on September 16, 2010. The Department discussed a third proposed draft ordinance with the permittee during the audit on March 23, 2011. Based on the results of that discussion, the Department will be submitting a revised proposed draft ordinance to the permittee as an attachment to the audit report. CWL will review the proposed ordinance as soon as practical. Assuming further revisions are not required, CWL will seek adoption and proceed with subsequent revisions of the pretreatment program. The permittee stated that they have made a diligent effort to complete modifications and achieve compliance with the current 40 CFR 403 regulations.

RESPONSE #6

The Department is in agreement with the above statements made by the permittee. A statement will be added to Condition No. 6(a) of Part II of the permit to reflect that the permittee is working on the required modifications to the pretreatment program and SUO.

ISSUE #7

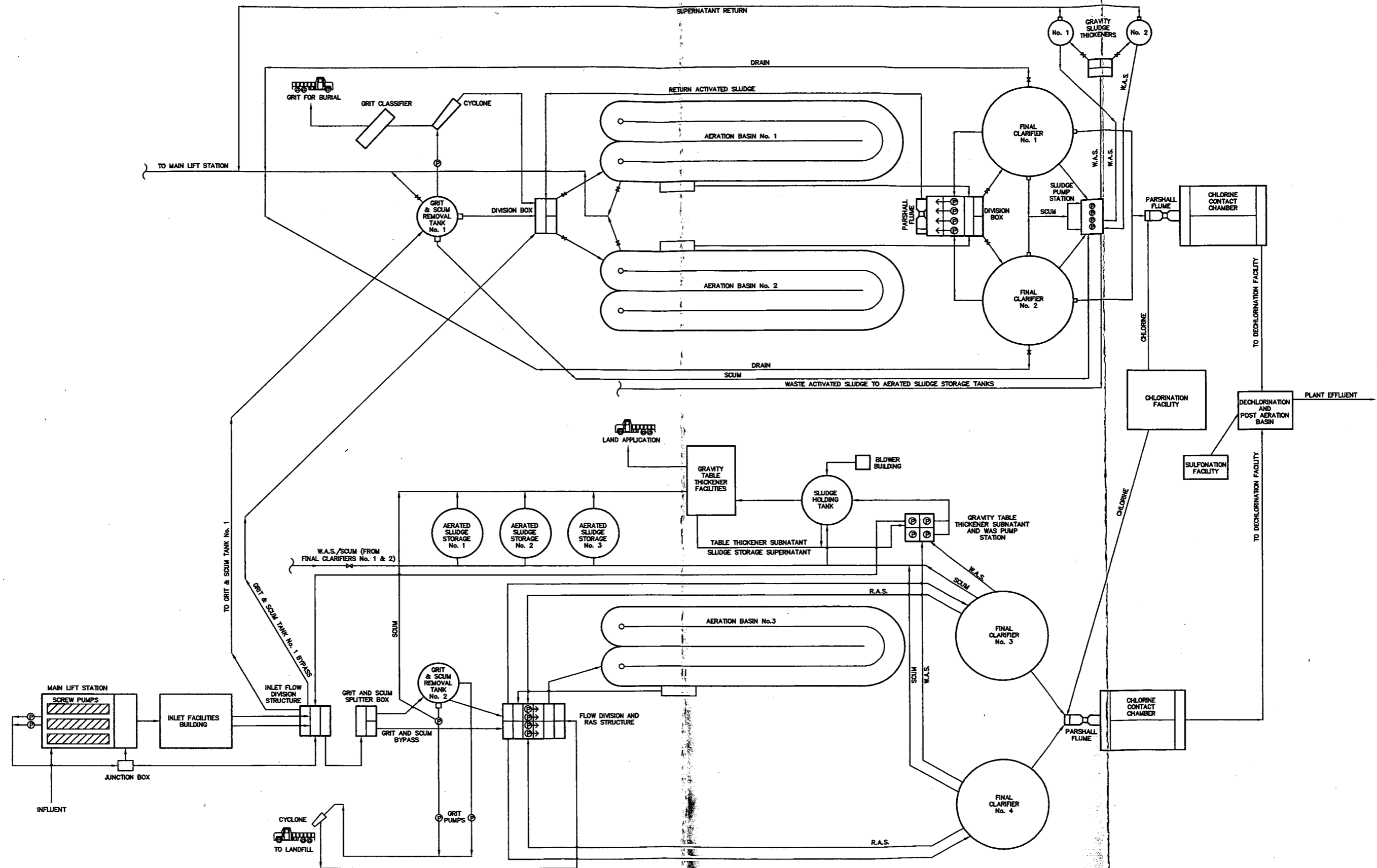
In regards to Condition No. 6(a)(v) and No. 6(d), the permittee stated that they understood the general control mechanisms and specific pollutant waivers to be optional for local adoption under the current 40 CFR 403 regulations. However, the permittee stated that they do not interpret the general control mechanism and waiver conditions of the draft permit as optional but rather required provisions for industrial users. The permittee requested clarification of the Department's intent regarding these conditions.

RESPONSE #7


The use of General Control mechanisms and pollutant waivers are optional streamlining updates. CWL is not required to issue general control mechanisms or waivers. However, if CWL does elect to issue General permits or waivers, then CWL MUST report annually which SIUs are covered by general permits and/or which SIUs have reduced monitoring.

APPENDIX C

Eastside City Water and Light
WWTP Flow Schematic

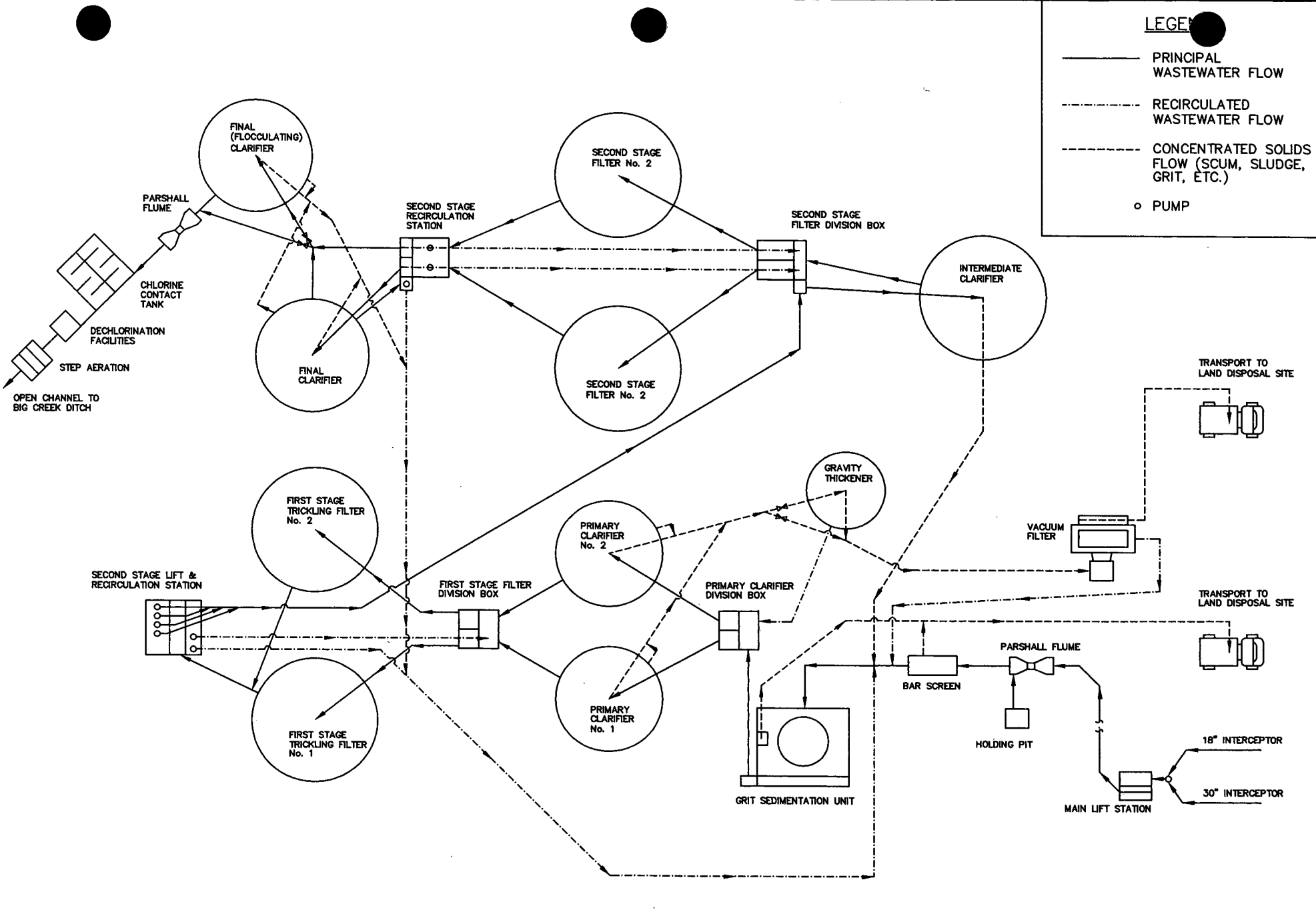


FLOW SCHEMATIC

DATE FEB. '07	DRAWN ADA	 McGoodwin Williams & Yates Engineering Confidence <small>© 2007 Fayetteville, Arkansas</small>	EASTSIDE WASTEWATER TREATMENT PLANT JONESBORO, ARKANSAS
PROJECT NO. JB-83			WASTEWATER FLOW SCHEMATIC APPENDIX C

APPENDIX C

Westside City Water and Light
WWTP Flow Schematic



DATE JUNE 2010	DRAWN ADA
PROJECT NO. JB-83	


McGoodwin Williams & Yates
 Engineering Confidence
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WESTSIDE WASTEWATER TREATMENT PLANT
JONESBORO, ARKANSAS

WASTEWATER FLOW SCHEMATIC
APPENDIX C

APPENDIX D

Chamber of Commerce
2011 Directory of Manufacturers
for Jonesboro, Arkansas



CITY WATER & LIGHT PLANT OF THE CITY OF JONESBORO, AR
AMENDMENT TO THE JONESBORO MUNICIPAL CODE
PART 1, CHAPTER 70, ARTICLE III, DIVISION 2 – PRETREATMENT ORDINANCE
EXECUTIVE SUMMARY
FEBRUARY 28, 2012

The new Pretreatment Ordinance (PTO), Part 1, Chapter 70, Article III, Division 2 (originally Title 10, Chapter 10.04), is proposed as an amendment to the Jonesboro Municipal Code to maintain the uniform requirements for Industrial Users of the wastewater collection system and Publicly Owned Treatment Works of the City Water and Light Plant of the City of Jonesboro, Arkansas (CWL) and enables CWL to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code (U.S.C.) 1251 *et seq.*) and the General Pretreatment Regulations (40 CFR Part 403).

At the request of the Arkansas Department of Environmental Quality (ADEQ), the General Sewer Use Ordinance (proposed as addition Part 1, Chapter 70, Article III, Division 3 to the Jonesboro Municipal Code) has been separated from the PTO. ADEQ approved this separated version of the PTO on December 9, 2011. **ADEQ has required that the new PTO be adopted by April 2, 2012.**

As a result of the PTO and General Sewer Use Ordinance (GSUO) separation, the provisions that focus on such general sewer use requirements as the regulation of the use of public and private sewers; private sewage disposal; and the installation, construction, maintenance, and connection of building sewers (privately owned sewer laterals) were removed from the PTO and included in the proposed GSUO. Section 70-85 of the PTO (Definitions) was revised by removing all definitions that specifically focus on general sewer use requirements and including these in the proposed GSUO. Additional revisions to this Section were completed based on ADEQ recommendations and developed from the U.S. Environmental Protection Agency Model Pretreatment Ordinance (EPA Model PTO), January 2007.

Significant revisions to the PTO were based on requirements and recommendations set forth by the EPA Pretreatment Streamlining Rule (October 2005) revising the General Pretreatment Regulations (Title 40, Parts 9, 122 and 403 of the Code of Federal Regulations) that address requirements for, and oversight of, Industrial Users who introduce pollutants into Publicly Owned Treatment Works (POTWs). Other major revisions were based on ADEQ requirements and recommendations, language from the EPA Model PTO, CWL Attorney recommendations, CWL Board resolutions, and CWL efforts to improve protection of the POTW. These major revisions are detailed in the table on the following pages.

Throughout the document, minor modifications were made to correct typographical and grammatical errors; remove extraneous language; and further clarify certain provisions.

CITY WATER & LIGHT

PART 1, CHAPTER 70, ARTICLE III, DIVISION 2 - PRETREATMENT ORDINANCE (PTO)

SUMMARY OF REVISIONS

FEBRUARY 28, 2012

	EXISTING ORDINANCE SECTION	PROPOSED ORDINANCE SECTION	BASIS FOR REVISION	SUMMARY OF CHANGE
Equivalent Limitations for Mass Limits	N/A	70-87 (2)(B)	Streamlining recommendation.	Provides for the development of equivalent limitations for Categorical mass limits.
Equivalent Mass Limits	N/A	70-87(2)(E) & (H)	Streamlining recommendation.	Provides for the conversion of concentration-based categorical standards to equivalent mass limits.
Provisions for Equivalent Limitations	N/A	70-87 (2)(F) & (G)	Streamlining recommendation.	Provides requirements for the enforcement and development of equivalent limits.
Local Limits	10.04.06 (4)	70-87 (3)	ADEQ recommendation.	Provides for the development of local limits based on best professional judgment or performance based standards.
Best Management Practices (BMPs)	N/A	70-87 (3)	Streamlining recommendation.	Allows BMPs to be used in lieu of numeric local limits. Adoption of this Streamlining recommendation resulted in required BMP language in several places throughout document.
Slug Control Plans	10.04.07 (3)	70-88 (3)	Streamlining requirement.	Allows POTW discretion regarding frequency of slug control plan evaluations for Significant Industrial Users (SIUs). Also, any slug control requirements must be reflected in SIU permits, which resulted in the addition of slug control language in a few other places within the document.
Hauled Wastewater	10.04.07 (5)	70-88 (5)	CWL efforts to improve protection of the POTW.	Additions to the already existing Hauled Wastewater regulations were included to facilitate increased control of wastewater entering the POTW. This allows for better protection of the POTW and the environment.
Permit Application Contents	10.04.08 (5)	70-89 (5)	ADEQ recommendation to follow EPA Model PTO.	Improved format and language regarding the required contents of Wastewater Discharge Permit Applications.
General Permits	N/A	70-89 (8)	Streamlining recommendation.	Allows CWL to issue general permits to groups of SIUs that are substantially similar. Adoption resulted in the inclusion of general permit language throughout document.

	EXISTING ORDINANCE SECTION	PROPOSED ORDINANCE SECTION	BASIS FOR REVISION	SUMMARY OF CHANGE
Measurement of Pollutants	10.04.10 (1)(B)(v)	70-91 (1)(B)(v)	ADEQ recommendation to follow EPA Model PTO.	Provides clarification for sampling protocols and historical data submission regarding baseline monitoring reports for SIUs.
Repeat Sampling & Reporting	10.04.10 (8)	70-91 (8)	Streamlining requirement.	Provides provisions for required repeat sampling and analysis following an Industrial User violation.
Sample Collection	10.04.10 (11)	70-91 (11)	Streamlining requirement.	Clarifies and updates application of sampling requirements.
Significant Noncompliance (SNC)	10.04.13 (A), (B) & (C)	70-94 (1), (2) & (3)	Streamlining requirement.	Broadens scope of violations covered and ensures SNC criteria apply only to Industrial Users that have adversely affected pretreatment program.
Administrative Fines	N/A	70-95 (6)	ADEQ recommendation to follow EPA Model PTO.	Allows CWL to impose fines for violations of the PTO.
Appeal of Orders & Request for Reconsideration	N/A	70-95 (9) & (10)	CWL Attorney recommendation.	Provides "due process" for Industrial Users regarding CWL administrative enforcement actions associated with Industrial User Ordinance violation(s).
Fines for Late Reports	N/A	70-97 (5)	ADEQ recommendation to follow EPA Model PTO.	Allows CWL to impose fines for late reports from Industrial Users.
Outstanding Fees, Fines, and Penalties	N/A	70-97 (6)	ADEQ recommendation to follow EPA Model PTO.	Allows CWL to decline issuing or reissuing a wastewater discharge permit for failure to pay outstanding fees, fines and penalties.
Excessive Strength Capacity Charge	N/A	70-99 (2)	Approved by CWL Board on October 23, 2007.	Allows CWL to impose a capacity charge for Industrial Users discharging certain conventional pollutant in excessive concentrations. Allows the Industrial Users to more efficiently treat their excessive strength waste while CWL's other ratepayers can be compensated for unused treatment capacity.



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Signature Copy

Ordinance: O-EN-009-2012

File Number: ORD-12:009

Enactment Number: O-EN-009-2012

AN ORDINANCE TO AMEND PART 1, CHAPTER 70, ARTICLE III, DIVISION 2 TO THE JONESBORO MUNICIPAL CODE SETTING FORTH UNIFORM REQUIREMENTS FOR USERS OF THE PUBLICLY OWNED TREATMENT WORKS FOR THE CITY OF JONESBORO, ARKANSAS AND ENABLING THE CITY OF JONESBORO, ARKANSAS TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS REQUIRED BY THE CLEAN WATER ACT (33 USC § 1251 ET. SEQ.) AND THE GENERAL PRETREATMENT REGULATIONS (40 CFR PART 403); THE PROVISION OF PENALTIES, ADMINISTRATIVE FINES, SURCHARGES AND JUDICIAL ENFORCEMENT FOR THE VIOLATION THEREOF; THE REPEALMENT OF ALL ORDINANCES IN CONFLICT THEREWITH; DECLARING AN EMERGENCY AND FOR ALL OTHER PURPOSES PERTAINING TO THE PUBLICLY OWNED TREATMENT WORKS WITHIN THE JURISDICTION OF THE CITY OF JONESBORO, ARKANSAS.

WHEREAS, on May 3, 1999, the City Council adopted a certain technical code codified at Part 1, Chapter 70, Article III, Division 2, Sewer Use-Pretreatment Ordinance, of the Jonesboro Municipal Code;

WHEREAS, the Public Works Committee has reviewed a certain proposed amendment to the technical code entitled Pretreatment Ordinance;

WHEREAS, the Public Works Committee has addressed all public comments received.

WHEREAS, the Public Works Committee has approved said technical code and forwarded said technical code to City Council for adoption.

WHEREAS, pursuant to ACA 14-55-207, public notice was given of the City's intent to adopt said technical code by reference, and advertised that three (3) copies of the document were on file and available for public review and examination in the Office of City Clerk.

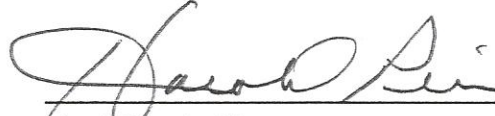
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS THAT:

SECTION 1: That Ordinance 99:1268, adopting the technical code codified as Part 1, Chapter 70, Article III, Division 2, passed and approved by the City Council on May 3, 1999, be and is hereby amended as set forth herein.

SECTION 2: That the document entitled Pretreatment Ordinance is hereby adopted by reference, and shall become part of the Jonesboro Municipal Code as Part 1, Chapter 70, Article III, Division 2.

SECTION 3: The Jonesboro City Council hereby determines that Part 1, Chapter 70, Article III, Division 2 (Pretreatment Ordinance) of the Jonesboro Municipal Code shall be revised to enable effective operation of City Water and Light Plant's WWTP and implementation of the Industrial Pretreatment Program of Jonesboro, Arkansas, and that passage of this Ordinance is necessary to enable such operation and implementation. Therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediately following its passage, approval, and publication as provided by law.

PASSED AND ADOPTED this 20th day of March, 2012.



Harold Perrin, Mayor

Date 3-22-2012





Donna Jackson, City Clerk

Date 3/22/2012

AN ORDINANCE TO AMEND PART 1, CHAPTER 70, ARTICLE III, DIVISION 2 TO THE JONESBORO MUNICIPAL CODE SETTING FORTH UNIFORM REQUIREMENTS FOR USERS OF THE PUBLICLY OWNED TREATMENT WORKS FOR THE CITY OF JONESBORO, ARKANSAS AND ENABLING THE CITY OF JONESBORO, ARKANSAS TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS REQUIRED BY THE CLEAN WATER ACT (33 USC §1251 ET. SEQ.) AND THE GENERAL PRETREATMENT REGULATIONS (40 CFR PART 403); THE PROVISION OF PENALTIES, ADMINISTRATIVE FINES, SURCHARGES AND JUDICIAL ENFORCEMENT FOR THE VIOLATION THEREOF; THE REPEALMENT OF ALL ORDINANCES IN CONFLICT THEREWITH; AND FOR ALL OTHER PURPOSES PERTAINING TO THE PUBLICLY OWNED TREATMENT WORKS WITHIN THE JURISDICTION OF THE CITY OF JONESBORO, ARKANSAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS:

SECTION 70-81 – TITLE

That Part 1, Chapter 70, Article III, Division 2, Sewer Use and Treatment – Sewer Use – Pretreatment Ordinance of the Jonesboro Municipal Code is hereby amended to read as follows:

SECTION 70-82 – TABLE OF CONTENTS

This Ordinance shall be known as the "Pretreatment Ordinance."

Sections:

70-81	Title
70-82	Table of Contents
70-83	Purpose and Policy
70-84	Administration
70-85	Definitions
70-86	Abbreviations
70-87	Regulation of Discharges
70-88	Pretreatment of Wastewater
70-89	Wastewater Discharge Permit Eligibility
70-90	Wastewater Discharge Permit Issuance
70-91	Process Reporting Requirements
70-92	Compliance Monitoring
70-93	Confidential Information
70-94	Publication of Industrial Users in Significant Noncompliance
70-95	Administrative Enforcement Remedies
70-96	Judicial Enforcement Remedies
70-97	Supplemental Enforcement Action
70-98	Affirmative Defenses to Discharge Violations
70-99	Excessive Pollutant Rates



SECTION 70-83 – PURPOSE AND POLICY

This Ordinance sets forth uniform requirements for Industrial Users of the wastewater collection system and Publicly Owned Treatment Works of the City Water and Light Plant of the City of Jonesboro, Arkansas (CWL), herein also known as the POTW, and enables CWL to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code (U.S.C.) 1251 *et seq.*) and General Pretreatment Regulations set forth in 40 CFR 403. The objectives of this Ordinance are:

- (1) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- (2) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- (3) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- (4) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- (5) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- (6) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW;
- (7) To enable CWL 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 the POTW is subject; and
- (8) To encourage waste minimization, recycling, reuse, and Best Management Practices (BMPs) through pollution prevention activities.

This Ordinance shall apply to all Industrial Users of the wastewater collection system and POTW. This Ordinance authorizes the issuance of individual or general 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.

SECTION 70-84 – ADMINISTRATION

- (1) The CWL Board of Directors (Board) shall establish such fees for sewer service, connections, monitoring, inspections, permits, and surveillance as are necessary to properly administer the Industrial Pretreatment Program for Jonesboro, Arkansas, and to maintain and operate the POTW. The CWL Board may, in compliance with A.C.A. 8-4-103 (g) *et seq.*, as may be amended from time to time, authorize any judicial enforcement remedy to be taken by CWL against any Industrial User in violation of this Ordinance.
- (2) Except as otherwise provided herein, the CWL Board of Directors (Board), through its Manager, shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Manager may be delegated by the Manager to other CWL personnel.

SECTION 70-85 – 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". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*
- (2) Administrative Fine. A monetary fine for violations of this Ordinance as set forth in Section 70-95 (6) of this Ordinance.
- (3) Approval Authority. The Director of the Arkansas Department of Environmental Quality (ADEQ).
- (4) Authorized or Duly Approved Representative of the Industrial User.
 - (A) If the Industrial User is a corporation or limited liability company, the Authorized Representative shall be as follows:
 - i) The president, secretary, treasurer, a vice-president, member, or manager of the corporation or company in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation or company; 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 individual or general 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 be a general partner or proprietor, respectively.
 - (C) If the Industrial User is a Federal, State, or local governmental facility, an Authorized Representative shall be a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or the Authorized Representative's designee.
 - (D) The Authorized Representatives described above may designate a Duly Approved Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the Manager of CWL.
- (5) Authorized Representative of the Manager. The person appointed or authorized by the Manager to carry out designated responsibilities or functions of the Manager.
- (6) Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions set forth in 40 CFR 403.5 (a) (1) and listed in Section 70-87 (1-3) of this Ordinance. BMPs may include treatment requirements, operating procedures, and practices to control plant site runoff, spillage, leaks, sludge or waste disposal, or drainage from raw materials storage.
- (7) Biochemical Oxygen Demand (BOD₅). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20° centigrade, typically expressed in terms of concentration [milligrams per liter (mg/L)] or an equivalent mass loading based on flow [pounds per day (lb/day)].
- (8) Board of Directors (Board). The duly elected or appointed Board of Directors of CWL.
- (9) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the U. S. Environmental Protection Agency (EPA) in accordance with Sections 307 (b)

and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of Industrial Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

- (10) Categorical Industrial User (CIU). An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.
- (11) Chemical Oxygen Demand (COD). The measure of the oxygen-consuming capacity of inorganic and organic matter present in a water or wastewater, typically expressed in terms of concentration (mg/L) or an equivalent mass loading based on flow (lb/day). The amount of oxygen consumed from a chemical oxidant in a specific test is not differentiated between stable and unstable organic matter and thus does not necessarily directly correlate with biochemical oxygen demand (BOD₅).
- (12) City. The City of Jonesboro, in the County of Craighead, within the State of Arkansas; or the City Council of the City of Jonesboro.
- (13) City Water and Light Plant of the City of Jonesboro, Arkansas (CWL). The Municipal Improvement District (District), a Publicly Owned Entity, organized and existing under the provisions of Arkansas Code Annotated (A.C.A.) 14-218-101 *et. seq.*, as may be amended from time to time, as a consolidated Municipal Improvement District to own and operate the electric power, water, and wastewater utilities in the City.
- (14) Color. 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) Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- (16) Control Authority. The Board of Directors of CWL acting through its Manager, who is charged with certain duties and responsibilities by this Ordinance, or the Authorized Representative of the Manager. The Control Authority shall have jurisdiction over the POTW's Industrial Users.
- (17) Council or City Council. The duly elected or appointed governing body of the City.
- (18) Daily Discharge. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- (19) Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (20) District. City Water and Light Plant of the City of Jonesboro, Arkansas (CWL).
- (21) Environmental Protection Agency or EPA. The U. S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director, the Regional Administration, or duly authorized official of said agency.
- (22) Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed Categorical Pretreatment Standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act; any source of discharge that is not a "New Source."
- (23) Excessive Biochemical Oxygen Demand (BOD₅). A BOD₅ concentration in excess of 250 mg/L.
- (24) Excessive fats, oils, and grease (FOG). A FOG concentration in excess of 100 mg/L.

- (25) Excessive Total Suspended Solids (TSS). A total suspended solids concentration in excess of 250 mg/L.
- (26) Garbage. Domestic and commercial solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.
- (27) Grab Sample. 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. The introduction of pollutants into the POTW from any non-domestic source.
- (29) Industrial User (IU) or User. A source of indirect discharge.
- (30) Industrial Wastes. The liquid wastes from industrial manufacturing processes, trade, or business, distinct from sanitary sewage.
- (31) Instantaneous Discharge Limit. The maximum concentration or equivalent loading of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (32) Interceptor. A device designed to skim, settle, or otherwise remove fats, oils, grease, sand, flammable wastes, or other harmful substances.
- (33) Interference. 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 CWL's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory and/or regulatory provisions or permits issued thereunder or more stringent State or local regulations:
 - i) Section 405 of the Clean Water Act;
 - ii) The Solid Waste Disposal Act (SWDA), including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA);
 - iii) Any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA;
 - iv) The Clean Air Act;
 - v) The Toxic Substances Control Act; and
 - vi) The Marine Protection, Research, and Sanctuaries Act.
- (34) Lower Explosive Limit. The minimum concentration in air at which a gas or vapor will flame with an ignition source.
- (35) Local Limit or Technically Based Local Limit (TBL). Specific discharge limits developed and enforced by CWL upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5 (a) (1) and (b).
- (36) Manager. The person appointed by the Board of Directors of CWL to manage and supervise the electric, water, and wastewater utilities of the District and charged with certain duties and responsibilities by this Ordinance, or the Authorized Representative of the Manager.
- (37) Mayor. The Mayor of the City.
- (38) Medical Waste. Wastes generated by the medical industry, including but not limited to isolation wastes,

infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, any object or substance that is capable of transmitting infectious organisms, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

- (39) Milligrams per Liter (mg/L). The equivalent amount as parts per million (ppm) and is a weight-to-volume ratio. A milligram per liter value multiplied by a factor of 8.34 is equivalent to pounds per million gallons of water.
- (40) Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
- (41) Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during the calendar month divided by the number of "daily discharges" measured during that month.
- (42) National Pollutant Discharge Elimination System (NPDES) Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (43) New Source.
- (A) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307 (c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that Section, provided that:
- i) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - iii) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the Existing Source should be considered.
- (B) Construction on a site at which an Existing Source is located results in a modification of the Existing Source rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of Section 70-85 (43) (A) (ii) or (iii) of this Ordinance but otherwise alters, replaces, or adds to the existing process or production equipment.
- (C) Construction of a New Source as defined under this paragraph shall be considered to have commenced if the Owner or operator has:
- i) Begun or caused to begin as part of a continuous on-site construction program:
 - a) Any placement, assembly, or installation of facilities or equipment; or
 - b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities necessary for the placement, assembly, or installation of New Source facilities or equipment; or
 - ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in the New Source's operation within a reasonable time. Options to purchase or contracts which may be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies shall not constitute a contractual obligation under this paragraph.

- (44) Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (45) Normal Domestic Wastewater. Wastewater generated from residential uses and discharged into the POTW. Such wastewater shall contain an average concentration of BOD₅ not more than 250 mg/L; TSS not more than 250 mg/L; and fats, oils, and grease not more than 100 mg/L.
- (46) Owner. The person or persons who own any interest in the structure or property to which such ownership relates.
- (47) Objectionable Waste. Any wastes that can harm either the sewers, sewer treatment processes or equipment, have an adverse effect on the receiving stream or otherwise endanger life, health, or property, or constitutes a nuisance.
- (48) Pass Through. A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of CWL's NPDES permit, including an increase in the magnitude or duration of a violation.
- (49) Penalty. A monetary fine for violations of this Ordinance, as set forth in Section 70-96.
- (50) Person. 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.
- (51) pH. A measure of the acidity or alkalinity of a substance, expressed in standard units (S.U.).
- (52) Pollutant. Including but not limited to any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharge equipment, rock, sand, cellar dirt, agricultural industrial wastes, and certain characteristics and constituents of wastewater including but not limited to pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, and odor.
- (53) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration may be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless specifically allowed by an applicable Pretreatment Standard.
- (54) Pretreatment Requirements or Requirements. Any substantive or procedural requirement related to pretreatment imposed on an Industrial User, other than a Pretreatment Standard.
- (55) Pretreatment Standards or Standards. The prohibited discharge standards, Categorical Pretreatment Standards, and Technically Based Local Limits (TBLLs).
- (56) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances, as set forth in Section 70-87 (1) of this Ordinance.
- (57) Publicly Owned Treatment Works (POTW). A "treatment works" as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by CWL. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant.
- (58) Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

- (59) Sewage. Human excrement and gray water (household showers, dish washing operations, etc.).
- (60) Significant Industrial User (SIU).
- (A) A User subject to Categorical Pretreatment Standards; ~~and~~ or
- (B) A User that:
- i) Discharges an average of 25,000 gpd or more of process wastewater to the POTW, excluding sanitary, noncontact, cooling, and boiler blowdown wastewater; or
 - ii) Contributes a process waste stream which contributes five percent (5%) or more of the average dry weather hydraulic or organic capacity of the treatment plant; or
 - iii) Is designated as a Significant Industrial User by CWL 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.
- (61) Slug Load or Slug. Any discharge at a flow rate or concentration which may cause a violation of the prohibited discharge standards set forth in Section 70-87 (1) of this Ordinance or any discharge of a non-routine, episodic nature, including but not limited to an accidental spill/slug or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or may in any other way violate CWL's Pretreatment Regulations, Local Limits, or NPDES permit conditions.
- (62) Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the U. S. Office of Management and Budget.
- (63) Standard Methods. 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 Federation.
- (64) Stormwater. Any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snowmelt.
- (65) Surcharge. A sewer service fee, as set forth in Section 70-99, charged in addition to the normal monthly sewer rate, which may be assessed to those Users who discharge wastewater to the POTW.
- (66) Surface Water. Any watercourse, pond, stream, ditch, lake, or other body of water occurring on the earth's surface.
- (67) Suspended Solids or Total Suspended Solids (TSS). The total suspended matter that floats on the surface of or is suspended in water, wastewater, or other liquids, and is removable by laboratory filtering.
- (68) To Discharge. To deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of wastewater; or to allow, permit, or suffer any of these acts or omissions.
- (69) Toxic Pollutant. Any one of the pollutants or combination thereof, listed as toxic in regulations promulgated by the EPA under the provision of Section 307 (33 U.S.C. 1317) of the Act.
- (70) Treatment Plant Effluent or Effluent. Any discharge of wastewater from the POTW into the waters of the State.
- (71) User or Industrial User (IU). A source of indirect discharge.
- (72) Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, contributed to the POTW.

- (73) Wastewater Treatment Plant (WWTP) or Treatment Plant. That portion of the POTW designed to provide treatment of sewage and industrial waste.
- (74) Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.
- (75) Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon any state or any portion thereof.

The word "shall" is construed as mandatory.

The word "may" is construed as permissive or discretionary.

The use of the singular shall be construed to include the plural and the plural shall include the singular, as indicated by the usage context.

SECTION 70-86 – ABBREVIATIONS

The following abbreviations shall have the designated meanings:

·	<u>ADEQ</u>	-	Arkansas Department of Environmental Quality
·	<u>BMP</u>	-	Best Management Practice
·	<u>BOD₅</u>	-	Biochemical Oxygen Demand
·	<u>CFR</u>	-	<i>Code of Federal Regulations</i>
·	<u>CIU</u>	-	Categorical Industrial User
·	<u>COD</u>	-	Chemical Oxygen Demand
·	<u>CWL</u>	-	City Water and Light Plant of the City of Jonesboro, Arkansas
·	<u>EPA</u>	-	U. S. Environmental Protection Agency
·	<u>FOG</u>	-	Fats, oils, and grease
·	<u>gpd</u>	-	Gallons per Day
·	<u>IU</u>	-	Industrial User
·	<u>L</u>	-	Liter
·	<u>lb/day</u>	-	Pounds a Day
·	<u>mg</u>	-	Milligrams
·	<u>mg/L</u>	-	Milligrams per Liter
·	<u>NOV</u>	-	Notice of Violation
·	<u>NPDES</u>	-	National Pollutant Discharge Elimination System
·	<u>O&M</u>	-	Operation and Maintenance
·	<u>POTW</u>	-	Publicly Owned Treatment Works
·	<u>RCRA</u>	-	Resource Conservation and Recovery Act
·	<u>SIC</u>	-	Standard Industrial Classifications
·	<u>SIU</u>	-	Significant Industrial User
·	<u>S.U.</u>	-	Standard Units
·	<u>SWDA</u>	-	Solid Waste Disposal Act (42 U.S.C. 6901, <i>et seq.</i>)

- TBLL - Technically Based Local Limits
- TSS - Total Suspended Solids
- USC - United States Code
- WWTP - Wastewater Treatment Plant

SECTION 70-87 – REGULATION OF DISCHARGES

(1) Prohibited Discharge Standards

(A) General Prohibitions

No Industrial User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all Industrial Users of the POTW, whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

(B) Specific Prohibitions

No Industrial User may contribute or cause to be introduced the following pollutants, substances, or wastewater to the POTW:

- i) Pollutants which create a fire or explosive hazard in the municipal wastewater collection system or POTW, including but not limited to waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
- ii) Any wastewater having a pH less than 6.0 S.U. or more than 11.5 S.U., or otherwise causing corrosive structural damage to the POTW or equipment or endangering CWL personnel;
- iii) Solid or viscous substances in amounts which will cause obstruction of the flow to and within the POTW or result in interference, but in no case solids greater than one half (1/2) inch (1.27 centimeters) in any dimension;
- iv) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD₅, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW or any wastewater treatment or sludge process, or which will constitute a hazard to humans;
- v) Any wastewater having a temperature greater than 150°F (65°C) or that which will inhibit biological activity in the treatment plant and result in interference, but in no case wastewater which causes the temperature at the introduction into the WWTP to exceed 104°F (40°C);
- vi) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- vii) 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;
- viii) Any trucked or hauled pollutants, except at discharge points designated by the Manager in accordance with Section 70-88 (5) of this Ordinance;
- ix) 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 human entry into the sewers for maintenance and repair;
- x) Any wastewater which imparts color that 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 CWL's NPDES permit;
- xi) Wastewater containing any radioactive wastes or isotopes except as specifically

approved by the Manager in an individual industrial wastewater discharge permit and in compliance with applicable State or Federal regulations;

- xii) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the Manager;
- xiii) Any sludges, screenings, or other residues from the pretreatment of industrial wastes;
- xiv) Any medical wastes, except as specifically authorized by the Manager in an individual or general industrial wastewater discharge permit;
- xv) Any wastewater causing the treatment plant's effluent to fail a toxicity test;
- xvi) Any wastes containing detergents, surface-active agents, surfactants, or other substances that may cause excessive foaming or scum in the POTW;
- xvii) Any wastes containing fats, oils, or grease (FOG) of animal, vegetable, or mineral origin exceeding one hundred (100) mg/L, except as specifically authorized by the Manager; and
- xviii) Any liquids, solids, or gases which by reason of nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Wastewater causing two (2) readings on an explosions hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 5% or any single reading over 10% of the Lower Explosive Limit of the meter.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that could facilitate discharge to the POTW. All floor drains located in process or material storage areas must discharge to the Industrial User's pretreatment facility, if applicable (see Section 70-88 of this Ordinance), before connecting with the POTW.

(2) Federal Categorical Pretreatment Standards

The National Categorical Pretreatment Standards set forth in 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- (A) Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Manager 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 Manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- (C) When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the Manager may impose an alternate limit based on the combined waste stream formula in 40 CFR 403.6 (e).
- (D) An Industrial 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 the User's discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.
- (E) When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an IU may request that CWL convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Manager. To be eligible for equivalent mass limits established by CWL, the IU must meet all of the requirements set forth in 40 CFR 403.6 (c) (5) (i) and below.
 - i) The IU must:

- a) Employ or demonstrate that it will employ water conservation methods and technologies that substantially reduce water use during the term of the Industrial User's control mechanism;
 - b) Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - c) Provide sufficient information to establish the facility's actual average daily flow rate for all waste streams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - d) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
 - e) Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the IU's request for equivalent mass limits.
- ii) An IU subject to equivalent mass limits must:
- a) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - b) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - c) Continue to record the facility's production rates and notify the Manager whenever production rates are expected to vary by more than 20% from baseline production rates determined by 40 CFR 403.6 (c) (5) (i) (C) and as described in 70-87 (2) (E) (i) (c) in this Section. Upon notification of a revised production rate, the Manager must reassess the equivalent mass limits and revise the limit as necessary to reflect changed conditions at the facility; and
 - d) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to 70-87 (2) (E) (i) (a) of this Section.
- iii) When developing equivalent mass limits, the Manager:
- a) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the IU by the concentration-based daily maximum and monthly average standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;
 - b) Will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility, upon notification of a revised production rate;
 - c) May retain the same equivalent mass limit in subsequent control mechanism terms if the IU's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 70-87 (7) of this Ordinance. The IU must also be in compliance with Section 70-98 (3) of this Ordinance regarding the prohibition of bypass.
- (F) Once incorporated into a User's permit, the IU must comply with the equivalent limitations developed in this Section in lieu of the promulgated Categorical Standards from which the equivalent limitations were derived.
- (G) Many Categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average,

limitations. Where such Categorical Pretreatment Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

- (H) Any IU operating under a control mechanism incorporating equivalent mass limitations calculated from a production based standard shall notify the Manager within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Manager of such anticipated change will be required to meet the mass limits in its control mechanism that were based on the original estimate of the long-term average production rate.

(3) Local Limits

To protect against pass through and interference, no Industrial User may discharge or cause to be discharged into the POTW any wastewater pollutant concentration exceeding the Technically Based Local Limits (TBLLs) developed from time to time by the Manager in his or her discretion or as required by CWL's NPDES permits, authorized by 40 CFR 403.5 (c), and approved by the Approval Authority.

When deemed appropriate by the Manager in his or her sole discretion, specific discharge permit limitations or BMPs will be developed based on criteria approved by the Manager from time to time. These TBLLs may be performance based or based on best professional judgment, as determined by the Manager in his or her sole discretion on a case-by-case basis. The Manager may also develop BMPs in individual or general wastewater discharge permits to implement specific pollutant limitations. Such BMPs shall be considered Local Limits and Pretreatment Standards.

TBLLs shall apply at the "monitoring point" described in the individual or general industrial wastewater discharge permits. All concentration limits for metals shall be in terms of "total" metals unless otherwise indicated. At the discretion of the Manager, mass limitations may be imposed in addition to or in place of concentration based TBLLs. When new Local Limits are implemented or revised, CWL will provide individual notice to parties who have requested such notice and an opportunity to respond, as set forth by 40 CFR 403.5 (c) (3).

(4) Most Stringent Requirement or Standard to Apply

The most stringent of Federal, State of Arkansas, or local Requirements or Standards shall govern as the applicable Pretreatment Requirement or Standard.

(5) Special Agreement

The Board may enter into special agreements with Industrial Users, setting special terms under which the Users may discharge to the POTW. In no case shall a special agreement waive compliance with a Pretreatment Standard or Requirement.

(6) Dilution

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

SECTION 70-88 – PRETREATMENT OF WASTEWATER

(1) Pretreatment Facilities

Industrial Users shall provide necessary wastewater pretreatment 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 70-87 (1) of this Ordinance, within the time limitations specified by the EPA, the State, or CWL, whichever is more stringent. Facilities required to pretreat wastewater to a level acceptable to CWL shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Manager for review and shall be approved by the Manager before construction of the facility. The review of such plans and operating procedures will in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce a discharge acceptable to CWL under the provisions of this Ordinance. Any subsequent changes in pretreatment facilities or method of operation shall be reported to and accepted by the Manager prior to the User's initiation of said changes.

(2) Additional Pretreatment Measures

- (A) Whenever deemed reasonably necessary for proper operation of the POTW, the Manager may require Industrial Users to restrict 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 non-industrial sewage waste streams from industrial waste streams, and other measures as may be necessary to protect the POTW and determine the Industrial User's compliance with the requirements of this Ordinance.
- (B) Whenever deemed reasonably necessary for proper operation of the POTW, the Manager may require Industrial Users to install and maintain, on the User's property and at the User's expense, a suitable storage and flow control facility to ensure equalization of flow. The Manager may require that such flow equalization control facilities be equipped with alarms and controls for metering and regulating the rate of discharge, the regulation of which shall be directed only by the Manager or the Authorized Representative of the Manager. An individual or general wastewater discharge permit may be issued solely for flow equalization.
- (C) FOG and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of wastewater containing excessive amounts of fats, oils, grease, flammable wastes, sand, and/or other objectionable wastes, except such interceptors shall not be required for residential use.

All interceptors shall: be of the type and capacity approved by the Manager; be located and installed as approved by the Manager; comply with all applicable Federal, State, and local Pretreatment Standards or Requirements, including local Ordinances promulgated under the Jonesboro Municipal Code or as otherwise specified by the Manager; be located to be easily accessible for cleaning and inspection; and be continuously operated and maintained in a satisfactory and effective operating state as defined by the Manager.

Such interceptors shall be inspected, cleaned, and repaired by the User at own expense in accordance with all applicable Federal, State, and local Pretreatment Standards or Requirements, including local Ordinances promulgated under the Jonesboro Municipal Code or as otherwise specified by the Manager.

Storage, handling, transportation, and disposal of all wastes generated from interceptors shall be performed in accordance with all applicable Federal, State, local regulations, and policies adopted by CWL that pertain to that type and/or class of waste.

- (D) Industrial Users with the potential to discharge flammable substances may be required by the Manager to install and maintain an approved combustible gas detection meter.

(3) Accidental Discharge/ Slug Control Plans

The Manager shall evaluate whether each SIU needs an accidental or slug discharge control plan or other action to control slug discharges. The Manager may require any Industrial User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. An accidental discharge or 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 CWL of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Section 70-87 of this 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 run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

All SIUs shall notify CWL immediately of any changes at its facility affecting potential for a slug discharge.

(4) Tenant Responsibility

Where an Owner of property leases premises to any other person as a tenant under any rental or lease agreement and if either the Owner or the tenant is an Industrial User, either or both parties may be held responsible for compliance with the provisions of this Ordinance.

(5) Hauled Wastewater

- (A) Septic tank waste may be accepted into the POTW, at the sole discretion of CWL, at a receiving structure designated by the Manager and at such times established by the Manager, provided such wastes do not violate Section 70-87 of this Ordinance or any other requirements established or adopted by the Board. The Manager may require septic tank waste haulers to obtain an individual or general wastewater discharge permit from CWL for individual vehicles to use such facilities. The Manager shall have authority to prohibit the disposal of such wastes if, in the Manager's sole discretion, its disposal would interfere with the treatment plant operation. Septic waste haulers shall also be subject to all other applicable Sections of this Ordinance.
- (B) The discharge of hauled industrial waste into the POTW requires prior approval by CWL. Industrial waste may be accepted into the POTW, at the sole discretion of CWL, at a receiving structure designated by the Manager and at such times established by the Manager, provided such wastes do not violate Section 70-87 of this Ordinance or any other requirements established or adopted by the Board. The Manager may require industrial waste haulers to obtain an individual or general wastewater discharge permit from CWL for individual vehicles to use such facilities. The Manager shall have authority to prohibit the disposal of such wastes if, in the Manager's sole discretion, its disposal would interfere with the treatment plant operation. Industrial waste haulers shall also be subject to all other applicable Sections of the Jonesboro Municipal Code.
- (C) Industrial and septic waste haulers may discharge loads only at locations designated by the Manager. No load may be discharged without prior consent of the Manager. The Manager may collect samples of each hauled load to ensure compliance with applicable Standards. The Manager may require waste haulers to provide a waste analysis of any load prior to discharge.
- (D) Industrial and septic waste haulers shall provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler; permit number, if applicable; vehicle identification; names and addresses of sources of waste; and volume and characteristics of waste. For hauled industrial wastes, the form shall also identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
- (E) Fees for dumping septage and industrial waste shall be established by the Manager as part of the Pretreatment charges and fee system, as authorized in Section 70-100 (1).

SECTION 70-89 – WASTEWATER DISCHARGE PERMIT ELIGIBILITY

(1) Wastewater Survey

When requested by the Manager, all Industrial Users must submit information on the nature and characteristics of its wastewater by completing a wastewater survey prior to commencing discharge. The Manager is authorized to prepare a special form for this purpose and may periodically require Industrial Users to update this information. Failure to complete this survey or update the information as required shall be considered a violation of this Ordinance and reasonable grounds for terminating water and wastewater service to the Industrial User.

(2) Wastewater Discharge Permit Requirements

(A) It shall be unlawful for any SIU to discharge wastewater into the POTW without first obtaining an individual or general industrial wastewater discharge permit from the Manager with the exception that an SIU that has filed a timely application pursuant to Section 70-89 (3) of this Ordinance may continue to discharge for the time period specified therein. Any violation of the terms and conditions of an individual or general wastewater discharge permit shall be deemed a violation of this Ordinance and subjects the individual or general wastewater discharge permittee to the provisions in Section 70-95 through Section 70-97 of this Ordinance. Obtaining an individual or general wastewater discharge permit does not relieve a permittee of its obligation to comply with all applicable Federal and State Pretreatment Standards or Requirements.

(B) The Manager may require other Industrial Users, including liquid waste haulers, to obtain individual or general industrial wastewater discharge permits as necessary to carry out the purposes of this Ordinance.

(3) Individual or General Wastewater Discharge Permitting: Existing Connections

Within ninety (90) days after notification, any Industrial User required to obtain an individual or general wastewater discharge permit that is discharging wastewater into the POTW and wishes to continue such discharges in the future shall apply to the Manager for an individual or general wastewater discharge permit in accordance with Section 70-89 (5) of this Ordinance. The Manager will furnish the User an appropriate permit application package. Existing Users shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days after notification of the requirement to obtain an individual or general wastewater discharge permit, except in accordance with an individual or general wastewater discharge permit issued by the Manager.

(4) Individual or General Wastewater Discharge Permitting: New Connections

Any User required to obtain an individual or general wastewater discharge permit proposing to begin or recommence discharging industrial wastes into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual or general wastewater discharge permit must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence, unless the ninety (90) day period is otherwise waived by the Manager.

(5) Individual or General Wastewater Discharge Permit Application Contents

All Users required to obtain an individual or general wastewater discharge permit must submit a permit application. All or part of the following information may be requested by the Manager as part of a permit application:

(A) Identifying Information.

- i) The name and address of the facility, including the name of the operator and Owners;
- ii) Contact information, description of activities, facilities, and plant production processes on the premises;

(B) Environmental Permits.

A list of any environmental control permits held by or for the facility;

(C) Description of Operations.

- i) A brief description of the nature and average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications (SIC) of the operation(s) carried out by the Industrial User. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes;
- ii) Types of wastes generated and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- iii) Number and type of employees and proposed or actual hours of operation;
- iv) Type and amount of raw materials processed (average and maximum per day);
- v) Site plans; floor plans; mechanical and plumbing plans; details to show all sewers, floor drains, and appurtenances by size, location, and elevation; and all points of discharge;

(D) Time and duration of discharges;

(E) The location for monitoring all wastes covered by the permit;

(F) Flow Measurement.

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

(G) Measurement of Pollutants.

- i) The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources;
 - ii) The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the Standard or by the Manager, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations or mass shall be reported where required. The sample shall be representative of daily operations;
 - iii) In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Manager or the applicable Standards to determine compliance with the Standard;
 - iv) Sampling and analysis shall be pursuant with Section 70-91 (10) and (11) of this Ordinance;
- (H) Any request to be covered by a general permit based on Section 70-89 (8) of this Ordinance; and
- (I) Any other information as may be deemed necessary by the Manager to evaluate the individual or general wastewater discharge permit application.

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

(6) Application Signatories and Certification

- (A) All individual or general wastewater discharge permit applications, Industrial User reports, and certification statements must contain the certification statement in Section 70-91 (14) (A) of this Ordinance and be signed by an Authorized Representative of the Industrial User.
- (B) If the designation of an Authorized Representative of the Industrial User 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 User, a new written authorization satisfying the requirements of this Section must be submitted to the Manager prior to or together with any reports to be signed by an Authorized Representative of the Industrial User.

(7) Individual or General Wastewater Discharge Permit Decisions

The Manager will evaluate the data furnished by the Industrial User and reserves the right to require additional information. Within ninety (90) days of receipt of a complete individual or general wastewater discharge permit application, the Manager will determine whether or not to issue an individual or general wastewater discharge permit to the applicant. The Manager may deny any application for an individual or general 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 or otherwise be incompatible with the POTW; interfere with reuse of sludge from the POTW; or pass through the POTW, inadequately treated, into the receiving waters of the State.

(8) Wastewater Discharge Permitting: General Permits

- (A) At the discretion of the Manager, general permits may be used to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
- i) Involve the same or substantially similar types of operations;
 - ii) Discharge the same types of wastes;
 - iii) Require the same effluent limitations;
 - iv) Require the same or similar monitoring; and
 - v) In the opinion of the Manager, are more appropriately controlled under a general permit than under individual wastewater discharge permits.
- (B) To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, and any other information the Manager deems appropriate.
- (C) The Manager will retain a copy of the general permit, documentation to support Manager's determination that a specific SIU meets the criteria in Section 70-89 (8) (A) (1-5) and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit.
- (D) The Manager may not control an SIU through a general permit where the facility is subject to production-based Categorical Pretreatment Standards or Categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the combined waste stream formula set out in 40 CFR 403.6 (e) and Section 70-87 (2) (c) of this Ordinance.

SECTION 70-90 – WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

(1) Individual or General Wastewater Discharge Permit Duration

An individual or general wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual or general wastewater discharge permit may be issued for a period less than five (5) years, at the sole discretion of the Manager. Each individual or general wastewater discharge permit will indicate a specific expiration date.

(2) Individual or General Wastewater Discharge Permit Contents

An individual or general wastewater discharge permit shall include such conditions as are deemed to be reasonably necessary by the 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 prevent damage to the POTW.

- (A) Individual or general wastewater discharge permits shall contain the following conditions:
- i) A statement that indicates the individual or general wastewater discharge permit issuance date, expiration date, and effective date;
 - ii) A statement that the individual or general wastewater discharge permit is non-transferable without prior notification to and approval from the Manager in accordance with Section 70-90 (5) of this Ordinance, and provisions for furnishing the new Owner or operator with a copy of the existing wastewater discharge permit;
 - iii) Effluent limits, including BMPs, which are applicable to the User and based on applicable Standards in Federal, State, and local law;
 - iv) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants or BMPs to be monitored; sampling location; sampling frequency; and sample type based on Federal, State, and local law;
 - v) Statement of applicable civil and criminal penalties and administrative fines for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such a schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law; and
 - vi) Requirements to control slug discharges, if determined by CWL to be necessary.
- (B) Individual or general wastewater discharge permits may contain, but need not be limited to, the following:
- i) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - ii) Limits on the instantaneous, daily, and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties;
 - iii) 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 POTW;
 - iv) Development and implementation of spill/slug control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
 - v) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - vi) The unit charge or schedule of Industrial User charges and fees for the management of the wastewater discharged to the POTW;
 - vii) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
 - viii) A statement that compliance with the individual or general 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 or general wastewater discharge permit;
 - ix) Development and implementation of Best Management Practices; and
 - x) Any other conditions as deemed appropriate by the Manager to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.

(3) Wastewater Discharge Permit Process and Appeals

(A) Permit Appeals

Any person, including the Industrial User, may petition the Manager to reconsider the terms of an individual or general wastewater discharge permit within thirty (30) days of its issuance.

- i) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- ii) In its petition, the appealing party must indicate the individual or general wastewater discharge permit provision(s) objected to, the reasons for this objection, and the alternative condition to the provision objected to, if any, sought to place in the individual or general wastewater discharge permit.
- iii) The effectiveness of the individual or general wastewater discharge permit shall not be stayed pending the appeal.
- iv) If the Manager fails to act within sixty (60) days from receipt of the petition, a request for reconsideration shall be considered denied. Decisions not to reconsider an individual or general wastewater discharge permit, issue an individual or general wastewater discharge permit, or modify an individual or general wastewater discharge permit shall be considered the final administrative action for purposes of judicial review.
- v) Aggrieved parties seeking judicial review of the final administrative individual or general wastewater discharge permit decisions must do so by filing a complaint within a court of competent jurisdiction.

(4) Permit Modification

- (A) The Manager may modify an individual or general wastewater discharge permit at any time for good cause including, but not limited to, the following reasons;
- i) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 - ii) To address significant alterations or additions to the Industrial User's operation, processes, or wastewater volume or character since the time of the individual or general wastewater discharge permit issuance;
 - iii) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - iv) Information indicating that the permitted discharge poses a threat to the POTW, POTW personnel, beneficial sludge use, or the receiving waters;
 - v) Violation of any terms or conditions of the individual or general wastewater discharge permit;
 - vi) Misrepresentations or failure to fully disclose all relevant facts in the individual or general wastewater discharge permit application or in any required reporting;
 - vii) Revision of Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
 - viii) To correct typographical or other clerical errors in the individual or general wastewater discharge permit; or
 - ix) To reflect a transfer of the facility ownership and/or operation to a new Owner/operator, where requested in accordance with Section 70-90 (5) of this Ordinance.

The filing of a request by the permittee for an individual or general wastewater discharge permit modification does not stay any existing individual or general wastewater discharge permit condition.

(5) Individual or General Wastewater Discharge Permit Transfer

Individual or general wastewater discharge permits may be reassigned or transferred to a new Owner and/or operator only if the permittee gives at least thirty (30) days advance notice to the Manager, unless the thirty (30) day period is otherwise waived by the Manager, and the Manager approves the individual or general wastewater discharge permit transfer. The notice to the Manager must include a written certification from the

new Owner and/or operator which:

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

Failure to provide advance notice of a transfer renders the existing individual or general wastewater discharge permit void on the date of facility transfer.

(6) Individual or General Wastewater Discharge Permit Revocation

Individual or general wastewater discharge permits may be revoked by the Manager for the following reasons:

- (A) Failure to notify the Manager of significant changes to the wastewater prior to the changed discharge;
- (B) Failure to provide prior notification to the Manager of changed conditions pursuant to Section 70-91 (5) of this Ordinance;
- (C) Misrepresentation or failures to fully disclose all relevant facts in the individual or general wastewater discharge permit application;
- (D) Falsification of self-monitoring reports and/or certification statements;
- (E) Tampering with monitoring equipment;
- (F) Refusal to allow the 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, including any surcharges or capacity charges;
- (J) Failure to meet compliance schedules;
- (K) Failure to complete a wastewater survey or the individual or general wastewater discharge permit application, or failure to update such information as required by this Ordinance;
- (L) Failure to provide advance notice of the transfer of a permitted facility; or
- (M) Violation of any Pretreatment Standard or Requirement, any terms of the individual or general wastewater discharge permit, or this Ordinance.

Unless the transfer is approved in accordance with Section 70-91 (5) of this Ordinance, individual or general wastewater discharge permits shall be void upon transfer of facility ownership or following a period of ninety (90) days of disuse or cessation of operations at the facility. All existing individual or general wastewater discharge permits issued by CWL shall be superseded by the issuance of a new individual or general wastewater discharge permit to that User for the facility.

(7) Facility Closure Notification

A minimum of ninety (90) days before the closure of a facility or a period of facility disuse of ninety (90) days or more, the IU shall notify CWL in writing of the anticipated date of closure, as well as the anticipated date of resumption of facility use, if any.

(8) Wastewater Discharge Permit Reissuance

A User with an expiring individual or general wastewater discharge permit shall apply for the reissuance of an individual or general wastewater discharge permit by submitting a complete individual or general wastewater discharge permit application, acceptable to the Manager in accordance with Section 70-87 (5) of this

Ordinance, a minimum of sixty (60) days prior to the expiration of the Industrial User's existing individual or general wastewater discharge permit.

SECTION 70-91 – REPORTING REQUIREMENTS

(1) Baseline Monitoring Reports

- (A) Within either 180 days after the effective date of a Categorical Pretreatment Standard or 180 days after 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 currently discharging to or scheduled to discharge to the POTW shall be required to submit to the Manager a report which contains all of the information listed in Section 70-91 (1) (B) of this Ordinance. At least ninety (90) days prior to commencement of discharge, New Sources and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Standard shall be required to submit to the Manager a report which contains the information listed in Section 70-91 (1) (B) of this Ordinance. A New Source shall also be required to report the intended method of pretreatment to meet applicable Pretreatment Standards and give estimates of anticipated flow and quantity of discharged pollutants.
- (B) The Industrial User shall submit the information required by this Section including:
- i) Identifying Information.
The name and address of the facility, including the name of the operator and Owners;
 - ii) Environmental Permits.
A list of any environmental control permits held by or for the facility;
 - iii) Description of Operations.
A brief description of the nature and average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications (SIC) of the operation(s) carried out by the Industrial User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes;
 - iv) Flow Measurement.
Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula, as set out in 40 CFR 403.6 (e);
 - v) Measurement of Pollutants.
 - a) The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources;
 - b) The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the Standard or by the Manager, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations or mass shall be reported where required. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 70-91 (10) of this Ordinance;
 - c) In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Manager or the applicable Standard to determine compliance with the Standard;
 - d) Sampling shall be pursuant with Section 70-91 (11) of this document;

- e) The User shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this Section;
 - f) 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 appropriate flows and concentrations necessary to allow use of the combined waste stream formula set forth in 40 CFR 403.6 (e) to evaluate compliance with the Pretreatment Standards. When an alternative 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;
 - g) The Manager 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; and
 - h) 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.
- vi) Compliance Certification.
A statement reviewed by the Authorized Representative of the Industrial User, as defined in Section 70-85 (4) of this Ordinance, 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.
 - vii) Compliance Schedule.
If additional O&M and/or pretreatment 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 70-91 (2) of this Ordinance.
 - viii) Signature and Report Certification.
All baseline-monitoring reports must be certified in accordance with Section 70-91 (14) (A) of this Ordinance and signed by an Authorized Representative of the Industrial User as defined in Section 70-85 (4) of this Ordinance.

(2) Compliance Schedule Progress Report

The following conditions shall apply to the schedule required by Section 70-91 (1) (B) (vii) of this Ordinance:

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

(3) Report on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any Industrial User subject to such Pretreatment Standards and Requirements shall submit to the Manager a report containing the information described in Section 70-91 (1) (B) (iv-v) of this Ordinance. For Industrial Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 70-87 (2) of this Ordinance and 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 another 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 70-91 (14) (A) of this Ordinance. All sampling shall be done in conformance with Section 70-91 (11) of this Ordinance.

(4) Periodic Compliance Reports

- (A) All SIUs subject to a Pretreatment Standard must, at a frequency determined by the Manager but in no case less than twice per year [in June and December at a minimum (or on dates specified), as required by 40 CFR 403.12 (e) (1)], submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a BMP (or pollution prevention alternative) the SIU shall submit documentation required by CWL or the Pretreatment Standard necessary to determine the SIU's compliance status. At the discretion of CWL and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., CWL may modify the months during which the above reports are to be submitted.
- (B) All periodic compliance reports must be signed and certified in accordance with Section 70-91 (14) (A) of this Ordinance.
- (C) All wastewater samples must be representative of the SIU's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an Industrial User to keep its monitoring facility in good working order shall not be grounds for the Industrial User to claim that sample results are unrepresentative of its discharge.
- (D) If an Industrial User subject to the reporting requirement set forth in this Section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Manager by the procedures prescribed in Section 70-91 (10) and (11) of this Ordinance, the results of this additional monitoring shall be included in the report.

(5) Report of Changed Conditions

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

- (A) The Manager may require the Industrial User to submit such information as deemed necessary to evaluate the changed condition, including the submission of an individual or general wastewater discharge permit application under Section 70-89 (5) of this Ordinance.
- (B) The Manager may issue an individual or general wastewater discharge permit under Section 70-90 (8) or modify an existing individual or general wastewater discharge permit under Section 70-90 (4) of this Ordinance.
- (C) No Industrial User shall implement the planned changed conditions(s) until and unless the 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 SIU's individual or

general industrial wastewater discharge permit and/or the discharge of any previously unreported pollutants shall be deemed significant changes.

(6) Reports of Potential Problems

- (A) In the case of any discharge including but not limited to accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; or a slug load which may cause potential problems for the POTW [including a violation of the prohibited discharge standards in Section 70-87 (1) (A-B) of this Ordinance], it is the responsibility of the Industrial User to immediately telephone and notify the Manager of the incident. This notification shall include the location of discharge, type of waste, concentration, and volume, if known, and corrective actions taken by the Industrial User.
- (B) Within five (5) days following such discharge, the Industrial User shall, unless waived by the Manager submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by this Ordinance.
- (C) Failure to notify the Manager in accordance with the provisions of Section 70-91 (6) (A) of this Ordinance shall be deemed a separate violation of this Ordinance.
- (D) SIUs are required to notify the Manager immediately of any changes at its facility affecting potential for a slug discharge.
- (E) A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place, advising employees whom to call in the event of a discharge described in Section 70-91 (6) (A) of this Ordinance. Employers shall ensure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.

(7) Reports from Unpermitted Industrial Users

All Industrial Users not required to obtain an individual or general wastewater discharge permit shall provide appropriate reports to the Manager as may be required by the Manager.

(8) Notice of Violation / Repeat Sampling and Reporting

If sampling performed by an Industrial User indicates a violation, the Industrial User must notify the Manager within 24 hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to CWL within 30 days after becoming aware of the violation. Where CWL performs compliance monitoring in lieu of the IU, CWL will perform the repeat sampling and analysis unless CWL notifies the User of the violation and requires the User to perform the repeat analysis. Repeat sampling shall not be required if:

- i) CWL performs sampling of the Industrial User's wastewater discharge at least once a month; or
- ii) CWL performs compliance monitoring, which indicates compliance, between the time that the initial sampling was conducted and when the Industrial User or CWL receives the results of the initial sampling which indicates a permit violation.

(9) Notification of the Discharge of Hazardous Waste

- (A) Any Industrial User who commences or causes the commencement of the discharge of hazardous waste shall notify the Manager, 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 classified as 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 shall also contain the following information to the extent known and readily available to the Industrial User:

- i) An identification of the hazardous constituents contained in the wastes;
 - ii) An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and
 - iii) 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 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted pursuant to Section 70-91 (5) of this Ordinance. The notification requirement in this Section does not apply to pollutants already reported under the self-monitoring requirements of Sections 70-91 (1), (3), and (4) of this Ordinance.
- (B) Industrial Users discharging or causing the discharge of hazardous waste are exempt from the requirements of paragraph (A) of this Section during any 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 Manager, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- (D) In the case of any notification made under this Section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (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 an individual or general 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 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 approved by the Manager or approved by the Approval Authority.

(11) Sample Collection

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

- (A) Except as indicated in Section 70-91 (11) (B) and (C) of this Ordinance, the Industrial User must collect wastewater samples using 24-hour flow-proportional composite collection techniques. Where time-proportional or grab sampling is authorized by the Manager, 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: cyanide, total phenol, and sulfide samples may be

composited in the laboratory or in the field; volatile organics and FOG 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 CWL, as appropriate. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

- (B) Samples for FOG; temperature; pH; cyanide; total phenols; sulfides; and volatile organic compounds must be obtained using grab collection techniques.
- (C) For sampling required in support of baseline monitoring and 90-day compliance reports required by Sections 70-91 (1) and 70-91 (3) of this Ordinance [40 CFR 403.12 (b) and (d)], a minimum of four (4) grab samples must be used for pH; cyanide; total phenols; FOG; sulfides; and volatile organic compounds for facilities for which historical sampling data does not exist. For facilities for which historical sampling data is available, the Manager may authorize a lower minimum of grab samples. For sampling required in support of periodic or continued compliance reports and reports from IUs not subject to Categorical Pretreatment Standards, as required by Sections 70-91 (4) and 70-91 (7) of this Ordinance [40 CFR 403.12 (e) and (h)], the IU shall be required by the Manager to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

(12) Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date post-marked. For reports that are not mailed, postage prepaid, into a mail facility serviced by the U. S. Postal Service, the date of submission shall be deemed the date of receipt of the report by the Manager.

(13) Recordkeeping

Industrial Users subject to the reporting requirements of this Ordinance shall retain and make available for inspection and copying, all records and information required to be retained under this Ordinance, including that obtained pursuant to any monitoring activities required by this Ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with BMPs established under Section 70-87 (3) of this Ordinance. Records shall include the date, exact place, method, and time of sampling; the name of the person(s) taking the samples; the dates analyses were performed; the names of the person(s) performing 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 enforcement action concerning compliance with this Ordinance or where the Industrial User has been specifically notified of a longer retention period by the Manager.

(14) Certification Statements

(A) Certification of Permit Applications and User Reports

The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 70-89 (6) of this Ordinance; Users submitting baseline monitoring reports under Section 70-91 (1) (B) (viii) of this Ordinance; Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Section 70-91 (3) of this Ordinance; and Users submitting periodic compliance reports required by Section 70-91 (4) (A-D) of this Ordinance. The following certification statement must be signed by an Authorized Representative of the Industrial User as defined in Section 70-85 (4) of this Ordinance:

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

(15) Exceptions to Reporting Requirements

Where the POTW performs the required sampling and analysis in lieu of the Industrial User, the User may not be required to submit the compliance certification required in Section 70-91 (1) (B) (vi) and Section 70-91 (3) of this Ordinance. In addition, where the POTW itself collects all the information required for the report, including flow data, the Industrial User may not be required to submit the report required in Section 70-91 (1), Section 70-91 (3), and Section 70-91 (4) of this Ordinance.

SECTION 70-92 – COMPLIANCE MONITORING

(1) Right of Entry: Inspection and Sampling

The Manager shall have the right to enter the facilities of any Industrial User to ascertain whether the purpose of this Ordinance and any individual or general permit or order issued hereunder is being met and whether the Industrial User is complying with all requirements thereof. Industrial Users shall allow the Manager 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 personnel so that, upon presentation of suitable identification, personnel from CWL will be permitted to enter without delay, for the purposes of performing their specific responsibilities.
- (B) The Manager shall have the right to locate on the Industrial User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- (C) The Manager may require the Industrial User to install monitoring equipment as necessary and in accordance with Section 70-92 (3) of this Ordinance. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the Industrial User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated regularly and periodically to ensure accuracy.
- (D) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the Industrial User at the written or verbal request of the 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 CWL personnel access to the Industrial User's premises shall be a violation of this Ordinance.

(2) Search Warrants

If the Manager has been refused access to a building, structure, 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 the need to inspect and/or sample as part of a routine inspection and sampling program of CWL designed to verify compliance with this Ordinance or any permit or order issued hereunder; or to protect the overall public health, safety, and welfare of the community; then upon application by the Manager through the CWL attorney, the applicable Court of the City or of the State shall issue a search and/or seizure warrant, describing therein the specific location subject to the warrant. The warrant shall specify what may be searched and/or seized on the property described and shall contain any other information required by applicable law. Such warrant shall be served at reasonable hours by the Manager in the company of a uniformed police officer of the City or as otherwise allowed or required by applicable law. In the event of an emergency affecting public health and safety, the Manager may authorize inspections and sampling without the issuance of a warrant.

(3) Location of Monitoring Facility

The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis and, whether constructed on public or private property, should be provided in accordance with the Manager's requirements and all applicable local construction standards and specification. Such facilities shall be constructed and maintained in such a manner

as to enable the Manager to perform independent monitoring activities.

SECTION 70-93 – CONFIDENTIAL INFORMATION

Information and data pertaining to an Industrial User obtained from reports, surveys, individual or general wastewater discharge permit applications, individual or general wastewater discharge permits, monitoring programs, and from CWL's 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 Manager that the release of such documents or data would divulge information, processes, and/or methods of production entitled to protection as trade secrets under applicable law. Subject to the provisions of the Arkansas Freedom of Information Act, when requested and demonstrated by the Industrial User that such information should be held confidential, that information or data which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 70-94 – PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE

The Manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the Industrial Users which, during the previous 12 months, were in Significant Noncompliance (as defined in this Section) with applicable Pretreatment Standards and Requirements. An SIU (or any IU in violation of paragraphs (3), (4), or (8) of this Section) is in Significant Noncompliance if the violation meets or exceeds one or more of the following:

- (1) 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 during a six-month period exceed by any magnitude a numeric Pretreatment Standard or Requirement, including instantaneous discharge limits, as defined by Section 70-87 of this Ordinance;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all the measurements taken for each pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous discharge limits, as defined by Section 70-87 of this Ordinance multiplied by the applicable criteria [1.4 for BOD, TSS, and FOG and 1.2 for all other pollutants except pH];
- (3) Any other violation of a Pretreatment Standard or Requirement, as defined by Section 70-87 of this Ordinance (daily maximum, long-term average, instantaneous discharge limit, or narrative standard) that the Manager determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of CWL personnel and/or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment or has resulted in the Manager exercising emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an individual or general wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 45 days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s), which may include a violation of Best Management Practices, which the Manager determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 70-95 – ADMINISTRATIVE ENFORCEMENT REMEDIES

(1) Notification of Violation

Whenever the Manager or Authorized Representative of the Manager finds that any Industrial User has violated or is violating this Ordinance, an individual or general wastewater discharge permit, orders issued hereunder, or any other Pretreatment Standard or Requirement, the Manager or Authorized Representative of the Manager may serve upon said Industrial User a written Notice of Violation (NOV). Within 20 calendar days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the Industrial User to the Manager, or if the original notice was served by the Authorized Representative of the Manager rather than the Manager, then to the Authorized Representative of the Manager. Submission of this plan in no way relieves the Industrial User of liability for any violations occurring before or after receipt of the NOV. Nothing in this Section shall limit the authority of the Manager or Authorized Representative of the Manager to take any action, including emergency or any other enforcement actions, without first issuing an NOV.

(2) Consent Orders

The Manager or Authorized Representative of the Manager is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any Industrial User responsible for noncompliance. Such orders may include specific action to be taken by the Industrial User to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as the administrative orders issued pursuant to Sections 70-95 (4) and (5) of this Ordinance and shall be judicially enforceable.

(3) Show Cause Hearing

The Manager or Authorized Representative of the Manager may order any Industrial User which causes or contributes to violation(s) of this Ordinance, individual or general wastewater discharge permits, orders issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Manager or Authorized Representative of the Manager and show cause why a proposed enforcement action should not be taken. Notice shall be served on the Industrial User specifying the time and place for the show cause hearing, the proposed enforcement action, the reasons for such action, and a request that the Industrial User show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by certified mail, return receipt requested and delivered to addressee only, at the address of the Industrial User indicated on its most recent wastewater discharge permit issued by the Manager or most recent sewer bill at least ten (10) business days prior to the hearing. Such notice may be served on any Authorized Representative of the Industrial User as defined in Section 70-85 (4) and as required by Section 70-89 (6) of this Ordinance. Whether or not the Industrial User appears as ordered, immediate enforcement action may be pursued following the hearing date. Nothing in this Section shall limit the authority of the Manager or Authorized Representative of the Manager to take any action, including emergency or other enforcement actions, without a show cause hearing.

(4) Compliance Orders

When the Manager or Authorized Representative of the Manager finds that an Industrial User has violated or continues to violate the Ordinance, individual or general wastewater discharge permits, orders issued hereunder, or any other Pretreatment Standard or Requirement, the Manager or Authorized Representative of the Manager may issue an order to the Industrial User responsible for the discharge directing the Industrial User to come into compliance. If the Industrial User does not come into compliance within the time specified in the Manager's or Authorized Representative of the Manager's compliance order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Federal Pretreatment Standard or Requirement, nor does a compliance order release the Industrial User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the Industrial User.

(5) Cease and Desist Orders

When the Manager or Authorized Representative of the Manager finds that an Industrial User is in violation of this Ordinance, the Industrial User's individual or general wastewater discharge permit, any order issued hereunder, any other Pretreatment Standard or Requirement, or that the Industrial User's past violations are likely to reoccur, the Manager or Authorized Representative of the Manager may issue an order to the Industrial User directing the Industrial User to cease and desist all such violations and:

- (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 prerequisite to taking any other action against the Industrial User.

(6) Administrative Fines

- (A) When the Manager or Authorized Representative of the Manager finds that an Industrial User has violated, or continues to violate, any provision of this Ordinance, an individual or general wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager or Authorized Representative of the Manager may fine such Industrial User in an amount not to exceed one thousand dollars (\$1,000) for each violation of this Ordinance, and each day of a continuing violation may be deemed a separate violation in an amount not to exceed five hundred dollars (\$500) for each day the violation continues. The Manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- (B) A lien against the Industrial User's property may be imposed for unpaid charges, fines, and penalties.
- (C) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User.

(7) Emergency Suspensions

The Manager or Authorized Representative of the Manager may immediately suspend a User's discharge (after informal notice to the User) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent and substantial endangerment to the health or welfare of persons. The Manager or Authorized Representative of the Manager may also immediately suspend an Industrial 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 Industrial User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of an Industrial User's failure to immediately and voluntarily comply with the suspension order, the Manager or Authorized Representative of the Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage or endangerment to the POTW, the POTW's receiving stream, or any person. The Manager or Authorized Representative of the Manager shall allow the Industrial User to recommence discharging to the POTW when the Industrial User has demonstrated to the satisfaction of the Manager that the period of endangerment has passed, unless the termination proceedings set forth in Section 70-95 (8) of this Ordinance are initiated against the Industrial User.
- (B) A User that is responsible, in whole or in part, for any discharge presenting imminent and substantial endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Manager or Authorized Representative of the Manager, prior to the date of any show cause or termination hearing under Sections 70-95 (3) and 70-95 (8) of this Ordinance.

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 those provisions set forth in Section 70-90 (6) of this Ordinance, any Industrial User that violates the following conditions of this Ordinance, individual or general wastewater discharge permits, any orders issued hereunder, or any other Pretreatment Standard or Requirement, including but not limited to those conditions listed in this Section, is subject to termination of wastewater discharge:

- (A) Violation of individual or general 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/or characteristics prior to discharge;
- (D) Refusal of reasonable access to the Industrial User's premises for the purpose of inspection, monitoring, and/or sampling; or
- (E) Violation of the Pretreatment Standards set forth in Section 70-87 of this Ordinance.

Such Users in violation will be notified by the Manager or Authorized Representative of the Manager of the proposed termination of its discharge and offered an opportunity to show cause under Section 70-95 (3) of this Ordinance why the proposed action should not be taken.

(9) Appeal of Orders of the Authorized Representative of the Manager

- (A) Any User aggrieved by any action of the Authorized Representative of the Manager made pursuant to this Section 70-95 may appeal the action by filing a written notice of appeal with the Manager within thirty (30) days of the action, along with full payment of any fine ordered to be paid. The notice of appeal shall state the specific reason why the action of the Authorized Representative of the Manager is alleged to be erroneous. Failure to submit a timely written notice of appeal shall be deemed a waiver of the administrative appeal to the Manager provided for herein.
- (B) If an appeal is timely filed in accordance with Section 70-95 (9)(A) of this Ordinance, a hearing shall be held before the Manager within thirty (30) days of the date of the filing of the notice of appeal or such other date mutually agreed upon in writing by the appellant and the Manager. The Manager shall make a determination within thirty (30) days of completion of the appeal hearing.
- (C) In the event the User's appeal is successful, payment of any associated fine shall be refunded to the User.
- (D) The appellant shall not be relieved of its obligations during the appeal process.
- (E) The decision of the Manager shall be considered the final administrative action for purposes of judicial review.
- (F) An aggrieved party seeking judicial review of the final administrative decision of the Manager must do so by filing a complaint within a court of competent jurisdiction within the time period permitted by Arkansas law.

(10) Request for Reconsideration of Action of the Manager

- (A) Any User aggrieved by any action of the Manager (acting directly and not through the Authorized Representative of the Manager) may request the Manager reconsider the action by filing a written request for reconsideration within thirty (30) days of the action, along with full payment of any fine ordered to be paid. The request for reconsideration shall state the specific reason why the action of the Manager is alleged to be erroneous. Failure to submit a timely written request for reconsideration shall be deemed a waiver of the request for reconsideration to the Manager provided herein.

- (B) If the Manager determines the request for reconsideration has merit, the Manager may convene a hearing on the matter. In the event the User's request for reconsideration is successful, payment of any associated fine shall be refunded to the User.
- (C) The appellant shall not be relieved of its obligations during the appeal process.
- (D) The decision of the Manager shall be considered the final administrative action for purposes of judicial review. An aggrieved party seeking judicial review of the final administrative decision of the Manager must do so by filing a complaint within a court of competent jurisdiction within the time period permitted by Arkansas law.

SECTION 70-96 – JUDICIAL ENFORCEMENT REMEDIES

(1) Injunctive Relief

Whenever a User has violated or continues to violate the provisions of this Ordinance, an individual or general wastewater discharge permit, any order issued hereunder, or any other Pretreatment Standard or Requirement, CWL may petition a Court of competent jurisdiction through the Manager and the CWL attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual or general wastewater discharge permit, order, or other requirement imposed by this Ordinance on activities of the Industrial User. Other actions, as appropriate for legal and/or equitable relief, may also be sought by CWL. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against an Industrial User.

(2) Civil Penalties

- (A) Any User which has violated or continues to violate this Ordinance, an individual or general wastewater discharge permit, any order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to CWL, for a maximum civil penalty of one thousand dollars (\$1,000.00) per violation per day, as provided by A.C.A. 8-4-103 (g) *et seq.*, as may be amended from time to time. In the case of the violation of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (B) Such civil penalties shall be recoverable in a Court of competent jurisdiction; but, as provided by A.C.A. 8-4-103 (g) *et seq.*, as may be amended from time to time, such civil proceeding may be initiated only after a majority vote of the Board resolving to pursue such civil penalty.
- (C) CWL may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by CWL.
- (D) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the magnitude and duration 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 factors as justice requires.
- (E) Filing a suit seeking civil penalties shall not be a prerequisite for taking any other action against an Industrial User.

(3) Criminal Prosecution

- (A) Any Industrial User that willfully or negligently violates any provision of this Ordinance, an individual or general wastewater discharge permit, or any orders issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) per violation per day, as provided by A.C.A. 8-4-103 (g) *et seq.*, as may be amended from time to time.
- (B) Any Industrial User that knowingly makes any false statements, representations, or certifications in

any application, record, report, plan, or other documentation filed or required to be maintained pursuant to this Ordinance, an individual or general wastewater discharge permit, or order issued hereunder; or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation per day, as provided by A.C.A. 8-4-103 (g) *et seq.*, as may be amended from time to time.

- (C) As provided by A.C.A. 8-4-103 (g) *et seq.*, as may be amended from time to time, no criminal prosecution under Section 70-96 (3) (A) and (B) of this Ordinance, may be initiated except upon a majority vote of the Board resolving to pursue such criminal prosecution.
- (D) The criminal penalties provided in Section 70-96 (3) (A) and (B) of this Ordinance, 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 administrative fines and civil penalties which may be assessed under Section 70-95 (6) and 70-96 (2), respectively, of this Ordinance.

(4) Remedies Nonexclusive

The provisions in Sections 70-94, 70-95, 70-96, and 70-97 of this Ordinance are not exclusive remedies. CWL reserves the right to take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with CWL's Enforcement Response Plan (ERP). However, CWL shall have the right to take other action against any User when the circumstances warrant. Furthermore, CWL is empowered to take more than one enforcement action against any noncompliant User. These actions may be taken concurrently.

SECTION 70-97 – SUPPLEMENTAL ENFORCEMENT ACTION

(1) Performance Bonds

The Manager may decline to reissue an individual or general wastewater discharge permit to any User which has failed to comply with the provisions of this Ordinance, any orders, or a previous individual or general wastewater discharge permit issued hereunder, unless such User first files a satisfactory bond, payable to CWL, in a sum not to exceed a value determined by the Manager to be necessary to achieve consistent compliance.

(2) Liability Assurance

The Manager may decline to reissue an individual or general wastewater discharge permit to any User which has failed to comply with the provisions of this Ordinance, any order, or a previous individual or general wastewater discharge permit issued hereunder, unless the User first satisfactorily demonstrates to the Manager the sufficient financial ability to restore or repair damage to the POTW caused by its discharge.

(3) Water Supply Severance

Whenever a User has violated or continues to violate the provisions of this Ordinance, an individual or general wastewater discharge permit, or any order issued hereunder, water service to the User may be severed. Service will only recommence at the User's expense and after the User has satisfactorily demonstrated the ability to comply.

(4) Public Nuisances

Any violation of this Ordinance, the individual or general wastewater discharge permit, or any order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Manager. Any User creating a public nuisance shall be required to reimburse CWL or the City for any costs incurred in removing, abating, or remedying said nuisance, including but not limited to attorney's fees and costs.

(5) Fines for Late Reports

A fine of up to \$1,000 may be assessed to any User for each day that a report required by this Ordinance or a permit or order issued hereunder is late, beginning 20 days after the date the report is due. Further enforcement by CWL may be taken beginning 45 days after the date the report is due, including but not limited to the designation of the Industrial User as in Significant Noncompliance with this Ordinance. Actions taken by the Manager to collect late reporting fines shall not limit the Manager's authority to initiate other enforcement actions that may include fines for late reporting violations.

(6) Payment of Outstanding Fees, Fines, and Penalties

The Manager may decline to issue or reissue an individual or general wastewater discharge permit to any User who has failed to pay any outstanding fees, fines, or penalties, and any interest accrued therein, incurred as a result of any provision of this Ordinance, a previous individual or general wastewater discharge permit, or order issued hereunder.

SECTION 70-98 – AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

(1) Upset

- (A) For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (B) An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of Section 70-98 (C) of this Ordinance are met.
- (C) An Industrial User wishing to establish the affirmative defense of upset shall demonstrate through properly signed, contemporaneous operating logs or other relevant evidence that:
- i) An upset occurred, and the Industrial User can identify the causes(s) of the upset;
 - ii) The facility was at the time of upset being operated in a prudent and workmanlike manner, in compliance with applicable operation and maintenance procedures; and
 - iii) The Industrial User has submitted the following information to the Manager or Authorized Representative of the Manager within 24 hours of becoming aware of the upset [if this information is provided orally, a written submission must also be provided within five (5) days]:
 - a) A description of the indirect discharge and cause of noncompliance;
 - b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (D) In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an upset shall have the burden of proof.
- (E) Industrial Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.
- (F) The Industrial User shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility, until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of electric power

of the treatment facility is reduced, lost, or fails.

(2) Prohibited Discharge Standards

An Industrial User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions listed in Section 70-87 (1) (A) of this Ordinance and specific prohibitions listed in Section 70-87 (1) (B) (iii-xviii) of this Ordinance if the User can prove that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and, that either:

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

(3) Bypass

(A) Definitions

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

- (B) An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if for essential maintenance or to assure efficient operation. These bypasses are not subject to the provision of Sections 70-98 (3) (C) and (D) of this Ordinance.

(C) Notification of Bypass

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

(D) Enforcement Action Against or Approval of a Bypass

- i) Bypass is prohibited, and the Manager may take enforcement action against an Industrial User for a bypass, unless:
 - a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

- c) The Industrial User submitted notices as required under Section 70-98 (3) (C) of this Ordinance.
- ii) The Manager may approve an anticipated bypass, after considering its adverse effects, if such bypass meets the conditions listed in Section 70-98 (3) (D) (i) of this Ordinance.

SECTION 70-99 – EXCESSIVE POLLUTANT RATES

The Manager may charge Users the following surcharges and capacity charges in addition to the standard metered charge for sewer service. Sewer surcharges and capacity charges shall be based on the formulas set forth herein. Unit charges for excessive BOD₅, TSS, and FOG shall be the current surcharges and capacity charges set forth in the CWL Sewer Service Rate Schedule.

(1) Excessive Strength Surcharge

The Manager may charge a surcharge, in addition to the standard metered charge for sewer service, to IUs who discharge wastewater into the POTW having a BOD₅ concentration in excess of 250 mg/L, a TSS concentration in excess of 250 mg/L, or a FOG concentration in excess of 100 mg/L.

Excessive Strength Surcharge Formula:

$$S = (V_{ww}) (8.34) [C_{BOD5} (BOD_5 - 250) + C_{TSS} (TSS - 250) + C_{FOG} (FOG - 100)]$$

- Where:
- S = Surcharge in dollars
 - V_{ww} = Volume of wastewater in millions of gallons
 - 8.34 = Weight in pounds of one gallon of water
 - C_{BOD5} = Charge per pound of BOD₅
 - C_{TSS} = Charge per pound of TSS
 - C_{FOG} = Charge per pound of FOG
 - BOD₅ = BOD₅ in mg/L of the Industrial User's wastewater
 - TSS = TSS in mg/L of the Industrial User's wastewater
 - FOG = FOG in mg/L of the Industrial User's wastewater
 - 250 = Concentration in mg/L above which both BOD₅ and TSS are defined as "excessive" and a surcharge may be assessed
 - 100 = Concentration in mg/L above which FOG is defined as "excessive" and a surcharge may be assessed

(2) Excessive Strength Capacity Charge

The Manager may charge a capacity charge, in addition to the standard metered charge for sewer service, to IUs who discharge wastewater into the POTW having a BOD₅ concentration in excess of 250 mg/L or a TSS concentration in excess of 250 mg/L. The capacity charge shall be based on the greater of the BOD₅ and the TSS concentrations.

Excessive Strength Capacity Charge Formula:

$$CAP = (V_{ww}) (8.34) [((\text{Greater of BOD}_5 \text{ or TSS}) - 250) C_{CAP}]$$

- Where:
- CAP = Capacity Charge in dollars
 - V_{ww} = Volume of wastewater in millions of gallons
 - 8.34 = Weight in pounds of one gallon of water
 - C_{CAP} = Charge per pound for greater of BOD₅ or TSS
 - BOD₅ = BOD₅ in mg/L of the Industrial User's wastewater
 - TSS = TSS in mg/L of the Industrial User's wastewater
 - 250 = Concentration in mg/L above which both BOD₅ and TSS are defined as "excessive" and a capacity charge may be assessed

- (3) The payment of a surcharge or capacity charge by the User shall be in addition to and not in lieu of any reporting required under Sections 70-94 and 70-95.

SECTION 70-100 – MISCELLANEOUS PROVISIONS

- (1) Pretreatment Charges and Fees

CWL may adopt reasonable administrative charges and fees for the reimbursement of costs associated with setting up and operating the CWL Pretreatment Program which may include:

- (A) Fees for individual or general wastewater discharge permit applications, including the cost of evaluating and processing such applications;
- (B) Fees for monitoring, inspection, and surveillance procedures, including the cost of collecting and analyzing an Industrial User's discharge and reviewing monitoring reports submitted by Industrial Users;
- (C) Fees for reviewing and responding to accidental discharge procedures and construction;
- (D) Fees for filing appeals; and
- (E) Other fees as CWL 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 CWL.

- (2) Severability

If any court of competent jurisdiction invalidates any provision of this Ordinance, 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.

APPENDIX D

Arkansas Manufacturers Register

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File #: ORD-12:010 **Version:** 1 **Name:** General Sewer Use technical code adoption
Type: Ordinance **Status:** Passed
File created: 2/28/2012 **In control:** [Public Works Council Committee](#)
On agenda: **Final action:** 3/20/2012

Title: AN ORDINANCE AUTHORIZING AS NEW PART 1, CHAPTER 70, ARTICLE III, DIVISION 3 TO THE JONESBORO 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; THE PROVISION OF PENALTIES, ADMINISTRATIVE FINES AND JUDICIAL ENFORCEMENT FOR THE VIOLATION THEREOF; THE REPEALMENT OF ALL ORDINANCES IN CONFLICT THEREWITH; DECLARING AN EMERGENCY AND FOR ALL OTHER PURPOSES PERTAINING TO THE SEWER SYSTEM WITHIN THE JURISDICTION OF THE CITY OF JONESBORO, ARKANSAS.

Indexes: Code of Ordinances amendment
Code sections: Chapter 70 - Utilities
Attachments: [Technical Code](#), [GSUO Executive Summary](#)

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Date	Ver.	Action By	Action	Result	Action Details	Meeting Details	Video
3/20/2012	1	City Council	Passed	Pass	Action details	Meeting details	Not available
3/6/2012	1	Public Works Council Committee	Recommended to Council	Pass	Action details	Meeting details	Not available



CITY WATER & LIGHT PLANT OF THE CITY OF JONESBORO, AR
ADDITION TO THE JONESBORO MUNICIPAL CODE
PART 1, CHAPTER 70, ARTICLE III, DIVISION 3 – GENERAL SEWER USE ORDINANCE
EXECUTIVE SUMMARY
FEBRUARY 28, 2012

The new General Sewer Use Ordinance (GSUO), Part 1, Chapter 70, Article III, Division 3, is proposed as an addition to the Jonesboro Municipal Code to maintain the uniform requirements for persons utilizing the wastewater collection system and Publicly Owned Treatment Works of the City Water and Light Plant of the City of Jonesboro, Arkansas (CWL) and enables CWL to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code (U.S.C.) 1251 *et seq.*). These requirements are currently under Ordinance No. 3126, Sewer Use – Pretreatment Ordinance, Part 1, Chapter 70, Article III, Division 2 of the Jonesboro Municipal Code (originally Title 10, Chapter 10.04).

At the request of the Arkansas Department of Environmental Quality (ADEQ), the Pretreatment Ordinance (proposed as an amendment to Part 1, Chapter 70, Article III, Division 2 of the Jonesboro Municipal Code) has been separated from the GSUO. ADEQ approved the separate version of the Pretreatment Ordinance (PTO) on December 9, 2011. **ADEQ has required that the new PTO be adopted by April 2, 2012. Due to the separation of the Ordinances, the GSUO must also be adopted by the April 2nd deadline.**

As a result of the GSUO and PTO separation, the Purpose and Policy (Section 70-103) of the GSUO was revised to focus on such general sewer use requirements as the regulation of; the use of public and private sewers, private sewage disposal, and the installation, construction, maintenance, and connection of building sewers (privately owned sewer laterals).

Sections 70-103 (4) and 70-107 (3)(P) were added to the proposed GSUO to address the need for regulation of the disconnection and sealing of building sewers from the sanitary sewer. Other additions and revisions made to Section 70-107 involved: adding regulations regarding manhole accessibility (70-107 (1)(J)); adding enforcement language regarding the cross connection of sources of surface water to the sanitary sewer (second and third sentence of 70-107 (3)(J)); and adding language to clarify responsibility and liability of building sewers (first sentence of 70-107 (3)(N) and 70-107 (3)(O)).

As mutually agreed to between CWL and ADEQ, Section 70-108 (1) – Conventional Pollutant Limits was added to allow CWL to impose limits for conventional pollutants on Industrial Users without these limits being part of CWL's Pretreatment Program. This allows CWL to provide loadings to Significant Industrial Users without involving ADEQ or Environmental Protection Agency enforcement.

Additional Sections added to the proposed GSUO include provisions for: the right of entry (Section 70-109 (1)); the ability to impose Administrative fines (Section 70-110(6)), which was strongly encouraged by ADEQ for the PTO and contained in the EPA Model Pretreatment Ordinance; the assurance of "due process" under the enforcement regulations (Sections 70-110 (9) and (10)), which was recommended by the CWL Attorney; the refusal of sewer or water service for outstanding fees, fines and penalties (Section 70-112 (5)).

Throughout the document, minor modifications were made to correct typographical and grammatical errors; remove extraneous language; and further clarify certain provisions.

Proposed Legislation - General Sewer Use Ordinance

AN ORDINANCE AUTHORIZING AS NEW PART 1, CHAPTER 70, ARTICLE III, DIVISION 3 TO THE JONESBORO 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; THE PROVISION OF PENALTIES, ADMINISTRATIVE FINES AND JUDICIAL ENFORCEMENT FOR THE VIOLATION THEREOF; THE REPEALMENT OF ALL ORDINANCES IN CONFLICT THEREWITH; AND FOR ALL OTHER PURPOSES PERTAINING TO THE SEWER SYSTEM WITHIN THE JURISDICTION OF THE CITY OF JONESBORO, ARKANSAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS:

SECTION 70-101 - TITLE

Part 1, Chapter 70, Article III, Sewage and Sewage Disposal of the Jonesboro Municipal Code is hereby amended to add Division 3 – General Sewer Use Ordinance.

SECTION 70-102 – TABLE OF CONTENTS

This Ordinance shall be known as the "General Sewer Use Ordinance."

Sections:

70-101	Title
70-102	Table of Contents
70-103	Purpose and Policy
70-104	Administration
70-105	Definitions
70-106	Abbreviations
70-107	General Sewer Use Requirements
70-108	Regulation of Discharges
70-109	Monitoring Authority
70-110	Administrative Enforcement Remedies
70-111	Judicial Enforcement Remedies
70-112	Supplemental Enforcement Action
70-113	Miscellaneous Provisions

SECTION 70-103 - PURPOSE AND POLICY

This Ordinance sets forth uniform requirements for persons utilizing the wastewater collection system and Publicly Owned Treatment Works of the City Water and Light Plant of the City of Jonesboro, Arkansas (CWL), herein also known as the POTW, and enables CWL to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code (U.S.C.) 1251 *et seq.*). The objectives of this Ordinance are:

- (1) To regulate the general use of both public and private sewers within the jurisdiction of CWL;
- (2) To regulate private sewage disposal within the jurisdiction of CWL;

- (3) To regulate the installation, construction, maintenance, connection, and protection of building sewers within the jurisdiction of CWL;
- (4) To regulate the disconnection and sealing of building sewers within the jurisdiction of CWL;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
- (6) To repeal all existing Ordinances in conflict therewith.

This Ordinance shall apply to all persons utilizing the wastewater collection system and POTW. This Ordinance authorizes the issuance of conventional pollutant limits, monitoring, compliance, and enforcement activities; and establishes administrative review procedures.

SECTION 70-104 – ADMINISTRATION

- (1) The CWL Board of Directors (Board) shall establish such fees for sewer service, connections, monitoring, inspections, and surveillance as are necessary to maintain and operate the wastewater collection system and POTW. The CWL Board may authorize any judicial enforcement remedy to be taken by CWL against any persons in violation of this Ordinance.
- (2) Except as otherwise provided herein, the CWL Board of Directors (Board), through its Manager, shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Manager may be delegated by the Manager to other CWL personnel.

SECTION 70-105 - DEFINITIONS

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

- (1) Accessible Public Sewer. 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 or by other means acceptable by the Arkansas Department of Health.
- (2) Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*
- (3) Administrative Fine. A monetary fine for violations of this Ordinance as set forth in Section 70-110 (6) of this Ordinance.
- (4) Authorized Representative of the Manager. The person appointed or authorized by the Manager to carry out designated responsibilities or functions of the Manager.
- (5) Biochemical Oxygen Demand (BOD₅). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20° centigrade, typically expressed in terms of concentration [milligrams per liter (mg/L)] or an equivalent mass loading based on flow [pounds per day (lb/day)].
- (6) Board of Directors (Board). The duly elected or appointed Board of Directors of CWL.
- (7) Building Drain. 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 these wastes to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- (8) Building Sewer. The extension from the building drain to the public sewer or other places of disposal.
- (9) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the U. S. Environmental Protection Agency (EPA) in accordance with Sections 307

(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of Industrial Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

- (10) Chemical Oxygen Demand (COD). The measure of the oxygen-consuming capacity of inorganic and organic matter present in a water or wastewater, typically expressed in terms of concentration (mg/L) or an equivalent mass loading based on flow (lb/day). The amount of oxygen consumed from a chemical oxidant in a specific test is not differentiated between stable and unstable organic matter and thus does not necessarily directly correlate with biochemical oxygen demand (BOD₅).
- (11) City. The City of Jonesboro, in the County of Craighead, within the State of Arkansas; or the City Council of the City of Jonesboro.
- (12) City Water and Light Plant of the City of Jonesboro, Arkansas (CWL). The Municipal Improvement District (District), a Publicly Owned Entity, organized and existing under the provisions of Arkansas Code Annotated (A.C.A.) A.C.A. 14-218-101 *et. seq.*, as may be amended from time to time, as a consolidated Municipal Improvement District to own and operate the electric power, water, and wastewater utilities in the City.
- (13) Collector Building Sewer. A sewer on private property which is privately maintained and serves more than one building sewer. All construction plans shall be approved by the Arkansas Department of Health. Such sewers shall be located outside building walls and footings.
- (14) Color. 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. A sewer receiving both surface runoff and sewage.
- (16) Control Manhole or Control Point. A point of access to a building sewer at a point before the wastewater that is conveyed by the building sewer mixes with other wastewater conveyed by the public sewer.
- (17) Conventional Pollutants. Those pollutants which are usually found in domestic, commercial or industrial wastes such as suspended solids, biochemical oxygen demand, pathogenic organisms, adverse pH levels, and oil and grease.
- (18) Council or City Council. The duly elected or appointed governing body of the City.
- (19) Discharge. The introduction of pollutants into the POTW from any source.
- (20) District. City Water and Light Plant of the City of Jonesboro, Arkansas (CWL).
- (21) Environmental Protection Agency or EPA. The U. S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director, the Regional Administration, or duly authorized official of said agency.
- (22) Excessive Biochemical Oxygen Demand (BOD₅). A BOD₅ concentration in excess of 250 mg/L.
- (23) Excessive fats, oils, and grease (FOG). A FOG concentration in excess of 100 mg/L.
- (24) Excessive Total Suspended Solids (TSS). A total suspended solids concentration in excess of 250 mg/L.
- (25) Garbage. Domestic and commercial solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.
- (26) Grab Sample. 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.
- (27) Indirect Discharge. The introduction of pollutants into the POTW from any non-domestic source.

- (28) Industrial User (IU) or User. A source of indirect discharge.
- (29) Industrial Wastes. The liquid wastes from industrial manufacturing processes, trade, or business, distinct from sanitary sewage.
- (30) Local Limit or Technically Based Local Limit (TBLL). Specific discharge limits developed and enforced by CWL upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5 (a) (1) and (b).
- (31) Manager. The person appointed by the Board of Directors of CWL to manage and supervise the electric, water, and wastewater utilities of the District and charged with certain duties and responsibilities by this Ordinance, or the Authorized Representative of the Manager.
- (32) Mayor. The Mayor of the City.
- (33) Medical Waste. Wastes generated by the medical industry, including but not limited to isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, any object or substance that is capable of transmitting infectious organisms, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (34) Milligrams per Liter (mg/L). The equivalent amount as parts per million (ppm) and is a weight-to-volume ratio. A milligram per liter value multiplied by a factor of 8.34 is equivalent to pounds per million gallons of water.
- (35) National Pollutant Discharge Elimination System (NPDES) Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (36) Natural Outlet. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
- (37) Normal Domestic Wastewater. Wastewater generated from residential uses and discharged into the POTW. Such wastewater shall contain an average concentration of BOD₅ not more than 250 mg/L; TSS not more than 250 mg/L; and fats, oils, and grease not more than 100 mg/L.
- (38) Objectionable Waste. Any wastes that can harm either the sewers, sewer treatment processes or equipment, have an adverse effect on the receiving stream or otherwise endanger life, health, or property, or constitutes a nuisance.
- (39) Owner. The person or persons who own any interest in the structure or property to which such ownership relates.
- (40) Penalty. A monetary fine for violations of this Ordinance as set forth in Section 70-111 of this Ordinance.
- (41) Person. 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.
- (42) pH. A measure of the acidity or alkalinity of a substance, expressed in standard units (S.U.).
- (43) Pollutant. Including but not limited to any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharge equipment, rock, sand, cellar dirt, agricultural industrial wastes, and certain characteristics and constituents of wastewater including but not limited to pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, and odor.
- (44) Pretreatment Standards and Requirements or Standards and Requirements. The prohibited discharge standards, Categorical Pretreatment Standards, and Technically Based Local Limits (TBLLs).
- (45) Private Sewage Disposal System. A facility owned, operated, and maintained by any person for the

purpose of collecting and disposing of sewage within the property of said person.

- (46) Private Sewers. A facility owned, operated, and maintained by any person for the purpose of collecting and disposing of wastewater into the POTW.
- (47) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances, as set forth in Part 1, Chapter 70, Article III, Division 2 –Pretreatment Ordinance of the Jonesboro Municipal Code, Section 70- 87 (1) .
- (48) Properly Shredded Garbage. The wastes from preparing, cooking, and dispensing of food shredded to such a degree that all particles shall be carried freely under the flow conditions which normally prevail in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
- (49) Public Sewer. A sewer in which all owners of abutting properties have equal rights, controlled by CWL.
- (50) Publicly Owned Treatment Works (POTW). A "treatment works" as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by CWL. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant.
- (51) Sanitary Sewer. A sewer which carries sewage and to which stormwater, surface water, and groundwater is not intentionally admitted.
- (52) Sewage. Human excrement and gray water (household showers, dish washing operations, etc.).
- (53) Storm Drain or Storm Sewer. A sewer that carries stormwater, surface water, and drainage, but excludes sewage and industrial waste.
- (54) Stormwater. Any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snowmelt.
- (55) Surface Water. Any watercourse, pond, stream, ditch, lake, or other body of water occurring on the earth's surface.
- (56) Suspended Solids or Total Suspended Solids (TSS). The total suspended matter that floats on the surface of or is suspended in water, wastewater, or other liquids, and is removable by laboratory filtering.
- (57) To Discharge. To deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of wastewater; or to allow, permit, or suffer any of these acts or omissions.
- (58) Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, contributed to the POTW.
- (59) Wastewater Treatment Plant (WWTP) or Treatment Plant. That portion of the POTW designed to provide treatment of sewage and industrial waste.
- (60) Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.

The word "shall" is construed as mandatory.

The word "may" is construed as permissive or discretionary.

The use of the singular shall be construed to include the plural and the plural shall include the singular, as indicated by the usage context.

SECTION 70-106 - ABBREVIATIONS

The following abbreviations shall have the designated meanings:

- ADEQ - Arkansas Department of Environmental Quality
- ADH - Arkansas Department of Health
- ASTM - Association for the Standard Testing of Materials
- AWWA - American Water Works Association
- BOD₅ - Biochemical Oxygen Demand
- CFR - *Code of Federal Regulations*
- COD - Chemical Oxygen Demand
- CWL - City Water and Light Plant of the City of Jonesboro, Arkansas
- EPA - U. S. Environmental Protection Agency
- FOG - Fats, oils, and grease
- IU - Industrial User
- L - Liter
- lb/day - Pounds a Day
- mg - Milligrams
- mg/L - Milligrams per Liter
- NOV - Notice of Violation
- NPDES - National Pollutant Discharge Elimination System
- POTW - Publicly Owned Treatment Works
- S.U. - Standard Units
- TBLL - Technically Based Local Limits
- TSS - Total Suspended Solids
- USC - United States Code
- WPCF - Water Pollution Control Federation
- WWTP - Wastewater Treatment Plant

SECTION 70-107 - GENERAL SEWER USE REQUIREMENTS

(1) Use of Public Sewers

- (A) It shall be unlawful for any person to place, deposit or discharge, or permit to be deposited or discharged, any human or animal excrement, garbage, or other objectionable wastes in any unsanitary manner upon public or private property within the City or in any area under the jurisdiction of the City.
- (B) It shall be unlawful to discharge to any natural outlet within the City or in any area served by CWL 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 NPDES permit authorizing such discharges into a natural outlet shall be considered as meeting all the requirements of this Section.
- (C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended to be used for the disposal of sewage.
- (D) Owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting any street, alley, or right-of-way in which there is located or may in the future be located an accessible public sewer of CWL is hereby required at the owner's expense to install suitable toilet facilities therein and to connect

such facilities directly to the public sewer, provided that said accessible public sewer is within three hundred (300) feet of the property line. Connection to the public sewer shall be made in accordance with the provisions of this Ordinance within sixty (60) days after date of official notice to do so. The requirements of this Section shall not apply to owners discharging under the provisions of a valid NPDES permit.

- (E) Other than building sewers and collector building sewers, all sewers constructed by owners connecting building drains of structures to the existing public sewer shall be located within public easements or rights-of-way. Construction shall be to the standards required by CWL for public sewers. No sewer shall be constructed within any public easement or right-of-way or connected to an existing public sewer without approval by the Manager.
- (F) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, artesian well water, roof runoff, or subsurface drainage to the POTW.
- (G) No person shall discharge or cause to be discharged any swimming pool drainage, condensate, deionized water, noncontact cooling water, or unpolluted industrial wastewater to the POTW, unless specifically authorized by the Manager.
- (H) Stormwater and all other surface runoff shall be discharged to sewers specifically designated as storm sewers or to a natural outlet.
- (I) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance, equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the provisions of Sections 70-110 through 70-112 of this Ordinance.
- (J) No person shall cover any manhole on a public sewer with earth or paving, or otherwise render it inaccessible, unless specifically authorized by the Manager.
- (K) The Manager may use a grab sample(s) as a screening tool for pollutants, including for the purpose of determining the source of pollutant discharge. When necessary, the Manager may resample using composite techniques.

(2) Private Sewage Disposal

- (A) Where a public sewer is not available under the provisions of Section 70-107 (1) of this Ordinance, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section.
- (B) Before construction of a private sewage disposal system shall commence within the City or any area under the jurisdiction of CWL, all persons shall first obtain a permit for construction from the City Inspector. The application form for the permit shall be furnished to the applicant by the City Inspector. The applicant shall submit the application and supplemental information as deemed necessary including; plans, specifications, test results, and construction permits approved by the ADH, ADEQ and/or Craighead County Health Department. The current permit and inspection fee prescribed by the City Inspector shall be paid to the City at the time the application is filed.
- (C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City, ADH, ADEQ and/or Craighead County Health Department. The Inspector shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the Inspector when the work is ready for final inspection and before any underground portions are covered. The Inspector shall make the inspection within two (2) business days of the receipt of notice.
- (D) The type, capacity, location, and layout of private sewage disposal systems shall comply with all applicable requirements and recommendations of the ADH, ADEQ and/or Craighead County Health Department. No permit shall be issued for any private sewage disposal system

employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No private sewage disposal shall be permitted to discharge to any natural outlet.

- (E) At such time as an accessible public sewer becomes available to a property that is served by a private sewage disposal system, as provided in Section 70-107 (1) of this Ordinance, the building sewer shall be connected to said available sewer within sixty (60) days, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, cleaned of sludge, and filled with suitable materials. The requirements of this Section shall not apply to persons discharging sewage under the provisions of a valid NPDES permit.
- (F) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City or to CWL.
- (G) No provision contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the ADH, ADEQ or Craighead County Health Department.

(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 from the Manager. No permit shall be issued for a sewer connection until all associated connection fees prescribed by the Board have been paid.
- (B) There shall be two (2) classes of building sewer permits:
 - i) For service to residential and commercial establishments; and
 - ii) For service to establishments producing industrial wastes.

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

- (C) Prior to the initiation of sewer service to potential new Industrial Users who will discharge industrial process wastes to the POTW, the potential IU shall complete an Industrial User Survey, a form furnished by the Manager. The Industrial User Survey shall be returned to CWL within thirty (30) days of receipt, but no less than ninety (90) days before the IU plans to discharge wastewater to the POTW. If the potential IU will be required to obtain a permit, the potential IU shall, pursuant to Part 1, Chapter 70, Article III, Division 2 – Pretreatment Ordinance of the Jonesboro Municipal Code, Section 70-89 (4-6), complete an application for an individual or general industrial wastewater discharge permit.
- (D) The Manager will evaluate applications for individual or general industrial wastewater discharge permits and determine, pursuant to Part 1, Chapter 70, Article III, Division 2 – Pretreatment Ordinance of the Jonesboro Municipal Code, Section 70-89 (7), whether or not to issue the applicant an individual or general industrial wastewater discharge permit.
- (E) A separate and independent building sewer shall be provided for each individual building except:
 - i) Where multiple buildings are constructed in an apartment complex, condominium or commercial development 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 the maintenance of the building sewer; or
 - ii) Temporary buildings, mobile homes, or similar portable structures which may be connected to a building sewer installed to serve a previously constructed permanent building, provided that both the permanent and temporary buildings are located on a lot or tract of, and maintained in, common ownership.

- (F) Pipe used in building sewers for service to the CWL public sewer may be of any approved material listed in the City Plumbing Code. The Manager shall approve:
- i) Type of material and size of pipe to be used in the construction of building sewers; and
 - ii) Methods of installation of building sewer pipe prior to and/or during construction of the building sewers.
- (G) Old building sewers may be used in connection with new buildings only when they are found through examination and testing by the Manager to meet all requirements of this Ordinance.
- (H) The size, slope, and alignment of building sewers and the methods to be used in excavating and backfilling the trench and placing, jointing, and testing the pipe shall conform to the requirements of all applicable building and plumbing codes and other applicable rules and regulations of CWL. In the absence of applicable code provisions, the materials and procedures set forth in the appropriate sections of ASTM and AWWA specifications and the WPCF Manual of Practice No. 9 shall apply.
- (I) Where possible, the building sewer shall be connected to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the connected building drain shall be lifted by an approved means and discharged to the building sewer.
- (J) No person shall connect roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a public sewer. If such connection is found to exist, the Owner may be notified and given such period of time as determined by the Manager, in his or her sole discretion, to disconnect the prohibited cross connection. If disconnection is not made, any or all utility service may be discontinued until such repair is made.
- (K) The building drain and connection of the building sewer to the public sewer, including all intermediate appurtenances, shall conform to the requirements of all applicable building and plumbing codes and other applicable rules and regulations of CWL. In the absence of applicable code provisions, the procedures set forth in appropriate sections of ASTM and AWWA specifications and the WPCF Manual of Practice No. 9 shall apply. All such connections shall be made gastight and watertight. The Manager must approve any deviation from the prescribed procedures and materials before installation.
- (L) All excavations for building sewer installations shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
- (M) Persons possessing building sewer permits shall notify the Manager when the building sewer is ready for inspection and connection to the POTW. The connection shall be made only under the supervision of CWL Water and Sewer Department personnel.
- (N) All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. Persons possessing building sewer permits shall indemnify and hold the City and CWL harmless from any damage, loss, cost, obligations, claims, demands, and all expenses that may directly or indirectly be caused by or arising from the installation and/or operation of the building sewer.
- (O) The owner of any building which is connected to the public sewer shall be required to operate and properly maintain the building drains and building sewer in accordance with all provisions of this Ordinance at no expense to the City or CWL.
- (P) Before any dwelling or other building being served by the public sewer is moved or demolished, the building sewer serving said building shall be disconnected from the public sewer at a location approved by the Manager and the remaining building sewer sealed to prevent the

entrance of stormwater, groundwater, and debris into the public sewer. No person shall disconnect a building sewer discharging to any public sewer or appurtenance thereof without first obtaining a permit from the Manager for the disconnection and sealing of the building sewer. No permit shall be issued for a building sewer disconnection and seal until all associated disconnection fees prescribed by the Board have been paid.

Upon issuance of the permit, the person possessing the permit may proceed with disconnection and sealing of the building sewer. However, the view of the disconnected and sealed building sewer shall remain uncovered and unobstructed pending final inspection and approval by CWL. At least three (3) days before the building is moved or demolished, but after it is no longer occupied, the person possessing the building sewer disconnection and sealing permit shall notify the Manager the disconnected and sealed building sewer is ready for final inspection and approval. Upon final inspection and approval by the Manager, the dwelling or building may be moved or demolished. CWL reserves the right to perform the disconnection and sealing of any building sewer whenever deemed necessary by it to protect the public sewer system.

All costs and expenses incident to the disconnection and sealing of the building sewer shall be borne by the owner. Disconnection and sealing of the building sewer shall conform to the requirements of all applicable building and plumbing codes and other applicable rules and regulations of CWL. Persons possessing building sewer disconnection permits shall indemnify and hold the City and CWL harmless from any damage, loss, cost, obligations, claims, demands, and all expenses that may directly or indirectly be caused by or arising from the disconnection and sealing of the building sewer.

SECTION 70-108 - REGULATION OF DISCHARGES

(1) Conventional Pollutant Limits

- (A) When, in the opinion of the Manager, an Industrial User has the potential to introduce or cause to be introduced into the POTW wastewater with concentrations of conventional pollutants in excess of normal domestic wastewater concentrations, the Manager may impose conventional pollutant limits, expressed in terms of concentrations (mg/L) or mass loadings (lbs/day), to the IU in an individual or general Industrial Wastewater Discharge Permit. Once applied to the IU, these limits are enforceable under this Ordinance, whether or not the IU is subject to any other National, State, or local Pretreatment Standards or Requirements.
- (B) No Industrial User shall contribute or cause to be introduced to the POTW any wastewater containing conventional pollutants in excess of the amount specifically authorized by the Manager in an individual or general Industrial Wastewater Discharge Permit. Conventional pollutant limits imposed on Industrial Users under the provisions of this Section shall not be considered Pretreatment Standards and Requirements, Standards and Requirements, or Local Limits or TBLLs.
- (C) In addition to all other duties, responsibilities, and authority granted herein, the Manager shall have the discretion to require sampling and monitoring of all Industrial Wastes and the reporting of the sampling and monitoring results to CWL. The Manager shall have the discretion to impose terms and provide definitions in any individual or general permit and to take such other action as appropriate to protect the public health, welfare and environment and to maintain the integrity of the POTW. The Manager shall be permitted to enter the facilities of any Industrial User to ascertain whether the purpose of this Ordinance and any individual or general permit or order issued hereunder is being met and whether the Industrial User is complying with all requirements thereof.
- (D) To the extent that Part 1, Chapter 70, Article III, Division 2 –Pretreatment Ordinance of the Jonesboro Municipal Code and this Ordinance overlap or conflict, the Division 2 – Pretreatment Ordinance shall control and this Ordinance shall apply only to the extent consistent with the Division 2 – Pretreatment Ordinance.

SECTION 70-109 - MONITORING AUTHORITY

(1) Right of Entry

The Manager shall be permitted to enter all properties connected to the public sewer system for the purposes of inspection, observation, measurement, sampling, records examination and copying, testing, and the performance of any additional duties in accordance with the provisions of this Ordinance.

(2) Search Warrants

If the Manager has been refused access to a building, structure, 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 the need to inspect and/or sample as part of a routine inspection and sampling program of CWL designed to verify compliance with this Ordinance or order issued hereunder; or to protect the overall public health, safety, and welfare of the community; or to protect or maintain the integrity of the POTW; then upon application by the Manager through the CWL attorney, the applicable Court of the City or of the State shall issue a search and/or seizure warrant, describing therein the specific location subject to the warrant. The warrant shall specify what may be searched and/or seized on the property described and shall contain any other information required by applicable law. Such warrant shall be served at reasonable hours by the Manager in the company of a uniformed police officer of the City or as otherwise allowed or required by applicable law. In the event of an emergency affecting public health and safety, the Manager may authorize inspections and sampling without the issuance of a warrant.

SECTION 70-110 - ADMINISTRATIVE ENFORCEMENT REMEDIES

(1) Notification of Violation

Whenever the Manager or Authorized Representative of the Manager finds that any person has violated or is violating this Ordinance, or any orders issued hereunder, the Manager or Authorized Representative of the Manager may serve upon said person a written Notice of Violation (NOV). Within 20 calendar days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the person to the Manager, or if the original notice was served by the Authorized Representative of the Manager rather than the Manager, then to the Authorized Representative of the Manager. Submission of this plan in no way relieves the person of liability for any violations occurring before or after receipt of the NOV. Nothing in this Section shall limit the authority of the Manager or Authorized Representative of the Manager to take any action, including emergency or any other enforcement actions, without first issuing an NOV.

(2) Consent Orders

The Manager or Authorized Representative of the Manager is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any person responsible for noncompliance. Such orders may include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as the administrative orders issued pursuant to Sections 70-110 (4) and (5) of this Ordinance and shall be judicially enforceable.

(3) Show Cause Hearing

The Manager or Authorized Representative of the Manager may order any person which causes or contributes to violation(s) of this Ordinance, or any orders issued hereunder, to appear before the Manager or Authorized Representative of the Manager and show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the show cause hearing, the proposed enforcement action, the reasons for such action, and a request that the person show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by certified mail, return receipt requested and delivered to addressee only, at the address of the person indicated on its most recent wastewater discharge permit issued by the Manager or most recent sewer bill at least ten (10) business days prior to the hearing. Whether or not the person appears as ordered, immediate enforcement action may be pursued following the hearing date. Nothing in this Section shall limit the authority of the Manager or Authorized Representative of the Manager to take any

action, including emergency or other enforcement actions, without a show cause hearing.

(4) Compliance Orders

When the Manager or Authorized Representative of the Manager finds that a person has violated or continues to violate this Ordinance, or any orders issued hereunder, the Manager or Authorized Representative of the Manager may issue an order to the person responsible for the discharge directing the person to come into compliance. If the person does not come into compliance within the time specified in the Manager's or Authorized Representative of the Manager's compliance order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order does not release the person of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the person.

(5) Cease and Desist Orders

When the Manager or Authorized Representative of the Manager finds that a person is in violation of this Ordinance, or any order issued hereunder, or that the person's past violations are likely to reoccur, the Manager or Authorized Representative of the Manager may issue an order to the person directing the person to cease and desist all such violations and:

- (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 prerequisite to taking any other action against the person.

(6) Administrative Fines

- (A) When the Manager or Authorized Representative of the Manager finds that a person has violated, or continues to violate, any provision of this Ordinance, or any order issued hereunder, the Manager or Authorized Representative of the Manager may fine such person in an amount not to exceed one thousand dollars (\$1,000) for each violation of this Ordinance, and each day of a continuing violation may be deemed a separate violation in an amount not to exceed five hundred dollars (\$500) for each day the violation continues. The Manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- (B) A lien against the person's property may be imposed for unpaid charges, fines, and penalties.
- (C) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the person.

(7) Emergency Suspensions

The Manager or Authorized Representative of the Manager may immediately suspend a person's discharge (after informal notice to the person) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent and substantial endangerment to the health or welfare of other persons. The Manager or Authorized Representative of the Manager may also immediately suspend a person'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 person notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a person's failure to immediately and voluntarily comply with the suspension order, the Manager or Authorized Representative of the Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage or endangerment to the POTW, the POTW's receiving stream, or any person. The Manager or Authorized Representative of the Manager shall allow the person to

recommence discharging to the POTW when the person has demonstrated to the satisfaction of the Manager that the period of endangerment has passed, unless the termination proceedings set forth in Section 70-110 (8) of this Ordinance are initiated against the person.

- (B) A person that is responsible, in whole or in part, for any discharge presenting imminent and substantial endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Manager or Authorized Representative of the Manager prior to the date of any show cause or termination hearing under Sections 70-110 (3) and 70-110 (8) of this Ordinance.

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 those provisions set forth in Sections 70-107 through 70-109 of this Ordinance, any person that violates the following conditions of this Ordinance, any orders issued hereunder, or any other discharge regulations, including but not limited to those conditions listed in this Section, is subject to termination of wastewater discharge:

- (A) Refusal of reasonable access to the person's premises for the purpose of inspection, monitoring, and/or sampling;
- (B) Violation of any discharge regulations set forth in Section 70-108 of this Ordinance.
- (C) Non-payment of wastewater bill.
- (D) Violation of an individual or general Industrial Wastewater Discharge Permit.

Such persons in violation will be notified by the Manager or Authorized Representative of the Manager of the proposed termination of its discharge and offered an opportunity to show cause under Section 70-110 (3) of this Ordinance why the proposed action should not be taken.

(9) Appeal of Orders of the Authorized Representative of the Manager

- (A) Any person aggrieved by any action of the Authorized Representative of the Manager made pursuant to this Section 70-110 may appeal the action by filing a written notice of appeal with the Manager within thirty (30) days of the action, along with full payment of any fine ordered to be paid. The notice of appeal shall state the specific reason why the action of the Authorized Representative of the Manager is alleged to be erroneous. Failure to submit a timely written notice of appeal shall be deemed a waiver of the administrative appeal to the Manager provided for herein.
- (B) If an appeal is timely filed in accordance with this Section, a hearing shall be held before the Manager within thirty (30) days of the date of the filing of the notice of appeal or such other date mutually agreed upon in writing by the appellant and the Manager. The Manager shall make a determination within thirty (30) days of completion of the appeal hearing.
- (C) In the event the person's appeal is successful, payment of any associated fine shall be refunded to the person.
- (D) The appellant shall not be relieved of its obligations during the appeal process.
- (E) The decision of the Manager shall be considered the final administrative action for purposes of judicial review.
- (F) An aggrieved party seeking judicial review of the final administrative decision of the Manager must do so by filing a complaint within a court of competent jurisdiction within the time period permitted by Arkansas law.

(10) Request for Reconsideration of Action of the Manager

- (A) Any person aggrieved by any action of the Manager (acting directly and not through the Authorized Representative of the Manager) may request the Manager reconsider the action by filing a written request for reconsideration within thirty (30) days of the action, along with full payment of any fine ordered to be paid. The request for reconsideration shall state the specific reason why the action of the Manager is alleged to be erroneous. Failure to submit a timely written request for reconsideration shall be deemed a waiver of the request for reconsideration to the Manager provided herein.
- (B) If the Manager determines the request for reconsideration has merit, the Manager may convene a hearing on the matter. In the event the person's request for consideration is successful, payment of any associated fine shall be refunded to the person.
- (C) The appellant shall not be relieved of its obligations during the appeal process.
- (D) The decision of the Manager shall be considered the final administrative action for purposes of judicial review. An aggrieved party seeking judicial review of the final administrative decision of the Manager must do so by filing a complaint within a court of competent jurisdiction within the time period permitted by Arkansas law.

SECTION 70-111 - JUDICIAL ENFORCEMENT REMEDIES

(1) Injunctive Relief

Whenever a person has violated or continues to violate the provisions of this Ordinance, or any order issued hereunder, CWL may petition a Court of competent jurisdiction through the Manager and the CWL attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the order, or other requirement imposed by this Ordinance, on activities of the person. Other actions, as appropriate for legal and/or equitable relief, may also be sought by CWL. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a person.

(2) Civil Penalties

- (A) Any person which has violated or continues to violate this Ordinance, or any order issued hereunder, shall be liable to CWL for a maximum civil penalty of one thousand dollars (\$1,000.00) per violation per day. In the case of the violation of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (B) Such civil penalties shall be recoverable in a Court of competent jurisdiction; but such civil proceeding may be initiated only after a majority vote of the Board resolving to pursue such civil penalty.
- (C) CWL may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by CWL.
- (D) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the person's violation, corrective actions by the person, the compliance history of the person, and any other factors as justice requires.
- (E) Filing a suit seeking civil penalties shall not be a prerequisite for taking any other action against a person.

(3) Criminal Prosecution

- (A) Any person that willfully or negligently violates any provision of this Ordinance, or any orders issued hereunder, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) per violation per day.

- (B) Any person that knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed or required to be maintained pursuant to this Ordinance or Part 1, Chapter 70, Article III, Division 2 – Pretreatment Ordinance of the Jonesboro Municipal Code, or order issued thereunder; or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance or Part 1, Chapter 70, Article III, Division 2 – Pretreatment Ordinance of the Jonesboro Municipal Code shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation per day.
- (C) No criminal prosecution under this Section, may be initiated except upon a majority vote of the Board resolving to pursue such criminal prosecution.
- (D) The criminal penalties provided in this Section 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 administrative fines and civil penalties which may be assessed under Section 70-110 (6) and Section 70-111 (2), respectively, of this Ordinance.

(4) Remedies Nonexclusive

The provisions in Sections 70-110, 70-111, and 70-112 of this Ordinance are not exclusive remedies. CWL reserves the right to take any, all, or any combination of these actions against a noncompliant person. CWL shall have the right to take other action against any person when the circumstances warrant. Furthermore, CWL is empowered to take more than one enforcement action against any noncompliant person. These actions may be taken concurrently.

SECTION 70-112 - SUPPLEMENTAL ENFORCEMENT ACTION

(1) Performance Bonds

The Manager may decline to connect or reconnect sewer or water service to any person which has failed to comply with the provisions of this Ordinance, or any order issued hereunder, unless such person first files a satisfactory bond, payable to CWL, in a sum not to exceed a value determined by the Manager to be necessary to achieve consistent compliance.

(2) Liability Assurance

The Manager may decline to connect or reconnect sewer or water service to any person which has failed to comply with the provisions of this Ordinance, or any order issued hereunder, unless the person first satisfactorily demonstrates to the Manager the sufficient financial ability to restore or repair damage to the POTW caused by its discharge.

(3) Water Supply Severance

Whenever a person has violated or continues to violate the provisions of this Ordinance, or any order issued hereunder, water service to the person may be severed. Service will only recommence at the person's expense and after the person has satisfactorily demonstrated the ability to comply.

(4) Public Nuisances

Any violation of this Ordinance, or any order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Manager. Any person creating a public nuisance shall be required to reimburse CWL or the City for any costs incurred in removing, abating, or remedying said nuisance, including but not limited to attorney's fees and costs.

(5) Payment of Outstanding Fees, Fines, and Penalties

The Manager may decline to connect or reconnect sewer or water service to any person who has failed to pay any outstanding fees, fines, or penalties incurred as a result of any provision of this Ordinance or any order issued hereunder.

SECTION 70-113 - MISCELLANEOUS PROVISIONS

(1) Severability

If any court of competent jurisdiction invalidates any provision of this Ordinance, the remaining provisions shall not be affected and shall continue in full force and effect.

(2) 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 with the exception of the specific conflict provision of Section 70-108 of this Ordinance.

APPENDIX E

General Sewer Use Ordinance 12:010
Part I, Chapter 70, Article III, Division 3
Effective March 20th, 2012
with Executive Summary



2011 Directory of Manufacturers

Jonesboro
Regional
CHAMBER OF COMMERCE

Jonesboro MSA (Craighead & Poinsett Counties)

\$20.00

www.jonesborochamber.com

2011 Directory of Manufacturers

Jonesboro MSA

(CRAIGHEAD & POINSETT COUNTIES)

Craighead County

Ace Tool & Manufacturing

1011 Cotton Belt
Jonesboro, AR 72401
Phone: 870.972.0480
Fax: 870.933.9495
Owner: Edward South
Product: General Machine Shop
Year Established: 1976
SIC Code: 3599
NAICS Code: 332710
Number of Employees: 7

Alberto Culver Company

2407 Quality Way
Jonesboro, AR 72401
Phone: 870.910.1100
Fax: 870.910.1147
Web Site: www.alberto.com
Supply Leader: Robb Vrbicek
Product: Beauty Care Products
SIC Code: 2844
NAICS Code: 325620
Year Established: 2007
Number of Employees: 385
Imports, Exports, JRCC, EIA, JU

Acme Brick Company

P.O. Box 250; 2905 Dan Avenue
Jonesboro, AR 72403-0250
Phone: 870.935.5182
Fax: 870.935.9162
Email: gmay@acmebrick.com
President: Dennis Knautz
Plant Manager: Greg May
Sales Manager: Kris Seyler
Product: Face Brick
Parent Company: Berkshire Hathaway, Nebraska
SIC Code: 3251
NAICS: 327121
Year Established: 1891
Number of Employees: 40
JRCC, EIA

Alexander's Machine Shop, Inc.

P.O. Box 1925; 1201 E. Johnson Avenue
Jonesboro, AR 72403-1925
Phone: 870.935.6405
Fax: 870.972.9169
Email: amy-alex@suddenlinkmail.com
Website: www.alexandermachineshop.com
Owner: Jimmy Alexander
General Manager: Gary Gillean
Office Manager: Amy Burnett
Product: Industrial Machine Shop, Fabrication
Year Established: 1971
SIC Code: 3599
NAICS Code: 33271
Number of Employees: 19
JRCC, EIA, JU

Air-Tite, Inc.

3108 Parker Annex Drive
Jonesboro, AR 72404
Phone: 870.935.8483
Fax: 870.932.5219
Email: airtite@airtitearkansas.com
Web Site: www.airtitearkansas.com
President: James Darnell
Product: Products for central heat & air duct work
Year Established: 1981
Number of Employees: 20

Arkansas Glass Container Corporation

P.O. Drawer 1717; 516 W. Johnson
Jonesboro, AR 72403-1717
Phone: 870.932.4564
Fax: 870.268.6217
Email: lsutton@agcc.com
Web Site: www.agcc.com
President: Anthony Rampley
Director of Human Resources: LuAnn Sutton
Product: Glass Containers
SIC Code: 3221
NAICS Code: 327213
Union: Glass, Molders, Pottery, Plastics & Allied Workers
Int'l and United Steel Workers
Year Established: 1956
Number of Employees: 230
Imports, Exports, JRCC

Arkansas Trailer Manufacturing Co.

8421 C.W. Post Road
Jonesboro, AR 72401
Phone: 870.935.6366
Fax: 870.935.6416
Email: ksimpkins@arkansastrailer.com
Website: www.arkansastrailer.com
General Manager: Kevin Simpkins
Service Manager: Tony Clark
Parts Manager: Brad Wade
Product: Truck & Trailer Parts, Trailer Service/Repair
SIC Code: 3715
NAICS Code: 336212
Parent Company: Arkansas Trailer Mfg. Co.; Little Rock, AR
Year Established: 1995
Number of Employees: 18

Art Advertising, Inc.

2300 W. Washington Avenue
Jonesboro, AR 72401
Phone: 870.935.4042
Fax: 870.935.2477
Email: ggary@artadvertising.com
Web Site: www.artadvertising.com
President: Stacy Gestring
VP Sales: Gary D. Gestring
Product: Industrial Decals, Roll Labels, Business Forms, Offset
Printing, Promotional Items, Signs, Trade Show Booths and
Graphics
SIC Code: 2759
NAICS Code: 323112, 323113, 323115, 323119
Year Established: 1968
Number of Employees: 28
Imports, Exports, JRCC

Atlas Asphalt, Inc.

P.O. Box 2500; 1333 Airport Road
Jonesboro, AR 72402-2500
Phone: 870.932.1246
Fax: 870.935.6687
Email: jfulkerson@atlas-asphalt.com
President: Jim Fulkerson
Product: Manufacture Asphalt
SIC Code: 2952
NAICS Code: 324122
Year Established: 1976
Number of Employees: 30
JRCC, JU

BAMA Corporation

5904 Krueger Drive
Jonesboro, AR 72401-6820
Phone: 870.935.2639
Fax: 870.935.9319
Email: ronm@bamacorporation.com
davidwells@bamacorporation.com
Owner: Bren Ann Covington
VP Operations: J.R. McCullars
VP Engineering: David Wells
Product: Structural Steel Fabrication, Fabricated Metal
Products, Design and Build Material Handling
Conveyor System
SIC Code: 3535, 3441
NAICS Code: 333922, 332312
Year Established: 1982
Number of Employees: 5

Bank & Business Solutions

1208 Falls Street
Jonesboro, AR 72402-2577
Phone: 870.935.6410
Fax: 870.935.0387
Email: Glenda.fowler@bnbsinc.com
Web Site: www.bnbsinc.com
Owner: Bill Grimes
Sales: Roger Williams
Customer Service: Glenda Fowler
Product: Commercial Printing
SIC Code: 2741, 2752, 2759, 2761
NAICS Code: 511140, 323110, 323112
Year Established: 1984
Number of Employees: 7
JRCC

Best Conveyors

107 Flint Street
Jonesboro, AR 72401
Phone: 870.935.0970 or 800.327.9209
Fax: 870.935.3661
Email: salesinfo@bestconveyors.com
Web Site: www.bestconveyors.com and www.nstarinc.com
President & CEO: James E. Markley
HR Manager: Charles Walker
General Manager: Scott Bridger
Product: Fluid Loading/Unloading Conveyor Systems
SIC Code: 3535
NAICS Code: 333922
Parent Company: Northstar Industries, Inc., Columbus, GA
Year Established: 1978
Number of Employees: 69
Imports, JRCC, EIA

Best Manufacturing

P.O. Box 6022; 204 Best Industrial Drive
Jonesboro, AR 72403-6022
Phone: 870.931.9533
Fax: 870.931.9664
Email: james@bestmanufacturinginc.com
Website: www.bestmanufacturinginc.com
President: James Best
Vice President of Sales & Administration: Cliff Young
Product: Laser Cutting, Production Metal Fabrication,
Painting, Powder Coating
SIC Code: 3312, 3479
NAICS Code: 331221
Year Established: 1991
Number of Employees: 40
Exports, JRCC, EIA, JU

Broadway Ham Company

P.O. Box 938, 500 N. Culberhouse
Jonesboro, AR 72403-0938
Phone: 870.932.6688
Fax: 870.932.6683
Email: ham-man@sbcglobal.net
President: Bruce Broadway
Product: BBQ, Boiled Hams, and Cooked Pork
SIC Code: 2011
NAICS Code: 311611
Year Established: 1984
Number of Employees: 2

Busch Agricultural Resources, Inc.

3723 CR905
Jonesboro, AR 72401-0749
Phone: 870.932.5484
Fax: 870.932.4528
Email: john.hegger@anheuser-busch.com
Web Site: www.anheuser-busch.com
Plant Manager: John D. Hegger
Controller: Tanya Miller
Rough Rice Purchasing Manager: Jerry Whitten
Product: Milled Rice & Rice By-Products
SIC Code: 2044
NAICS Code: 311212
Parent Company: Anheuser-Busch InBev; St. Louis, MO
Year Established: 1976 (Jbr) 1852 (Company)
Number of Employees: 46
Imports, Exports, JRCC, EIA

Butterball LLC

9401 E. Highland Drive
Jonesboro, AR 72401
Phone: 870.933.0001
Fax: 870.933.0005
Email: dcarter@butterball.com
Web Site: www.butterball.com
Plant Manager: Deborah A. Lisella, P.E.
HR Generalist: Donna Carter
Maintenance Manager: Brian Scheyer
Controller: Ruby Stone
Product: Chicken and Turkey Deli Breast Products
SIC Code: 2013
NAICS Code: 311612
Parent Company: Butterball, LLC; Garner, NC
Year Established: 1990
Number of Employees: 148
Exports, JRCC, EIA

Camfil Farr APC

3505 Airport Road
Jonesboro, AR 72401
Phone: 933-8048
Fax: 933-8381
Email: morganl@farrapc.com
supinet@farrapc.com
hogans@farrapc.com
lairdj@farrapc.com
teaguet@farrapc.com
Web Site: www.farrapc.com
President: Lee Morgan
Plant Manger: Tony Supine
Human Resource Manager: Sandy Burks
Engineering Manager: Jimmy Laird
Quality Manager: Tim Teague
Product: Air Filtration Systems
SIC Code: 3564, 3714, 3743
NAICS Code: 333411, 333412
Parent Company: Camfil Farr; Trosa, Sweden
Year Established: 1986
Number of Employees: 160
Imports, Exports, JRCC, EIA, JU

Century Cabinets & Millwork

P.O. Box 2086; 3102 Fox Road
Jonesboro, AR 72402-2086
Phone: 870.972.0511
Fax: 870.972.0664
Owner: Austin Barr III
Product: Commercial Cabinets
SIC Code: 2434
NAICS Code: 337110
Year Established: 1988
Number of Employees: 6

Colson Caster Corporation

3700 Airport Road
Jonesboro, AR 72401
Phone: 870.932.4501
Fax: 870.932.1446
Web Site: www.colsoncaster.com
Director of Operations: Kevin Osborn
Human Resource Specialist: Mary Hamrick
Product: Casters
SIC Code: 3061, 3089, 3429
NAICS Code: 326291
Union: International Association of Machinists
Member of: Colson Associates, Inc.; Chicago, IL
Year Established: 1957
Number of Employees: 90
Imports, Exports, JRCC, EIA, JU

Colson Monette

505 N. Edmond Street
Monette, AR 72447
Phone: 870.486.5469
Fax: 870.486.2155
Email: jmoble@colsonmonette.com
Web Site: www.colsonplastics.com
General Manager: Jerry Mitchell
Purchasing: Steve Suber
Controller: Jonathan Mobley
Product: Rubber & Plastic Molding
SIC Code: 3061, 3089
NAICS Code: 336291
Parent Company: Colson Associates, Inc., Chicago, IL
Year Established: 1976
Number of Employees: 75
Exports, Imports

Continental Computer Corporation

3615 Stadium Blvd.
Jonesboro, AR 72404
Phone: 870.932.0081
Fax: 870.931.1273
Email: wjohnson@continentalcomputers.com
Web Site: www.continentalcomputers.com
President/CEO: Wes Johnson
Product: Pre-packaged software for funeral homes
SIC Code: 7372
NAICS Code: 334611, 511210
Parent Company: Final Arrangements, Jonesboro, AR
Year Established: 1985
Number of Employees: 22
Exports, JRCC

Continental Directory Company, Inc.

P.O. Box 998; 2200 Alexander Drive
Jonesboro, AR 72403-0998
Phone: 870.933.2072
Fax: 870.933.9722
President/CEO: Royal E. Fletcher
Product: Telephone Directories
SIC Code: 2741
NAICS Code: 511140
Year Established: 1986
Number of Employees: 12
JRCC

Crane Composites

8500 C.W. Post Drive
Jonesboro, AR 72401-9645
Phone: 870.933.5300
Fax: 870.933.5396
Email: mridge@cranecomposites.com
Web Site: www.cranecomposites.com
Plant Manager: Mike Ridge
Human Resource Manager: Debra Ainley
Product: Fiberglass Panels
SIC Code: 3089
NAICS Code: 337215
Parent Company: Crane Company; Stamford, CT
Year Established: 1989
Number of Employees: 100
Imports, Exports, JRCC, EIA

CUSI

P.O. Box 1515; 300 S. Church St., Suite 200 (72401)
Jonesboro, AR 72403-1515
Phone: 870.336.2200 or 800.240.1420
Fax: 870.336.2234
Email: mguerriero@cusi.com
Website: www.cusi.com
President: Michael Guerriero
Controller: Susan Cole
Product: Pre-Packaged software for utility companies
SIC Code: 7372
NAICS Code: 334611, 511210
Year Established: 1985
Number of Employees: 45
Exports, JRCC

Deb's Cabinet Shop

294 CR763
Brookland, AR 72417
Phone: 870.935.0193
Owner: Rick Hathcoat
Product: Cabinetry
NAICS Code: 337110
Year Established: 1986
Number of Employees: 5

Delta Consolidated Industries

4800 Krueger Drive
Jonesboro, AR 72401
Phone: 870.935.3711
Fax: 870.935.7073
Email: misty.carr@apextoolgroup.com
Web Site: www.apextoolgroup.com
CEO: Steve Breitzka
Director of Operations: Jeff Barron
Human Resource Manager: Misty Carr
Manager Engineering: Renato Dell'Oso
Product: Utility Tool Boxes, Fuel Tanks, Construction Site
Tool Boxes
SIC Code: 3089, 3469
NAICS Code: 337215, 332116
Parent Company: Apex Tool Group, LLC; Sparks, MD
Year Established: 1962
Number of Employees: 200
Imports, Exports, JRCC, EIA

Ditta Door and Hardware, Inc.

P.O. Box 2265; 3620 Stadium Blvd. (72404)
Jonesboro, AR 72403-2265
Phone: 870.972.0200
Fax: 870.932.5743
Email: aditta@dittainc.com
Web Site: www.dittainc.com
Vice President: Anthony Ditta
Product: Doors, Hardware, Toilet Accessories, Hollow
Metal Doors and Frames, Specialty Products:
Insulation
SIC Code: 3442
NAICS Code: 332321
Year Established: 1986
Number of Employees: 50
JRCC

Doric of Northeast Arkansas

PO Box 17154; 5400 S. Caraway Road (72401)
Jonesboro, AR 72403-7154
Phone: 972-9430
Fax: 972-6268
Email: doricnea@aol.com
Web Site: www.doric-vaults.com
General Manager: John Paul Thompson
Product: Burial Vaults
SIC Code: 3272
NAICS Code: 327991
Year Established: 1982
Number of Employees: 11

Elite Graphics

1204 Falls Street
Jonesboro, AR 72401
Phone: 870.935.5364
Fax: 870.935.2519
Email: kim@elitepp.com
Web Site: www.ElitePP.com
President: Kim Edens
Product: Advertising Specialties, Promotional Products,
Screen Printing & Embroidery
SIC Code: 2396, 2759, 3993
NAICS Code: 323113, 339950
Year Established: 1982
Number of Employees: 13
Imports, JRCC

Engines, Inc.

P.O. Box 16660; 5400 C.W. Post Road (72401)
Jonesboro, AR 72403
Phone: 870.268.3700
Fax: 870.268.3750
Email: infor@enginespower.com
Web Site: www.enginespower.com
CEO: Lloyd Wofford
President & General Manager: Linda Wofford
Human Resource Manager: Sonya Sanders
Product: Diesel Irrigation Power Units; Generator Sets,
Re-Power; OEM; Marine Engines
SIC Code: 3621
NAICS Code: 335312
Year Established: 1979
Number of Employees: 89
Exports, JRCC, EIA

Fasweet/Aqua Clear

P.O. Drawer 5000; 215 N. Culberhouse
Jonesboro, AR 72403-5000
Phone: 932-1562
Fax: 932-1114
Email: fasweet@morsecompany.com
Website: www.fasweet.com
President: Jake Morse
Product: Liquid Sweetener, Bottled Water
SIC Code: 2869
NAICS Code: 325188
Parent Company: Morse Company, Inc.; Jonesboro, AR
Year Established: 1954
Number of Employees: 3
JRCC, EIA

Fedex Office

2005 E. Nettleton Avenue
Jonesboro, AR 72401
Phone: 870.935.8690
Fax: 870.931.0520
Email: usa4801@fedex.com
Web Site: www.fedexoffice.com
Manager: Amanda Pollard
Product: Printing
SIC Code: 2741
NAICS Code: 511199
Parent Company: FedEx Office; Dallas, TX
Year Established: 1985
Number of Employees: 6
JRCC

Great Dane Trailers

2800 Great Dane Drive
Jonesboro, AR 72401
Phone: 870.931.4529
Fax: 870.972.9843
Email: lchipman@greatdanetrailers.com
Web Site: www.greatdanetrailers.com
Plant Manager: Larry Chipman
Product: Dry Van Trailers
SIC Code: 3537
NAICS Code: 336212
Parent Company: CCI; Chicago, IL
Year Established: 2002
Number of Employees: 130
Exports, JRCC, EIA

Forrest Office Machines & Printing

1005 Gee Street
Jonesboro, AR 72401
Phone: 870.932.7852
Fax: 870.932.0909
Email: bwforrest@sbcglobal.net
Website: forrestofficemachines.com
Owner: Reba Hobson
President: Barry Forrest
Product: Commercial Printing, Office Equipment Retail Sales
SIC Code: 2752
NAICS Code: 323110
Year Established: 1966
Number of Employees: 11
JRCC

Habasit America

2501 DuPont Drive
Jonesboro, AR 72401-6724
Phone: 870.930.3744
Fax: 870.930.3747
Email: david.duerr@us.habasit.com
Web Site: www.habasitusa.com
Plant Manager: David Duerr
Product: Conveyor Belting
SIC Code: 3052, 3496
NAICS Code: 326220, 332618
Corporate Headquarters: Suwanee, Georgia
Year Established: 1996
Number of Employees: 12
Imports, Exports

Frito-Lay, Inc.

2810 Quality Way
Jonesboro, AR 72401
Phone: 870.910.3400
Fax: 870.910.3495
Web Site: www.fritolay.com
Plant Contact: Boyce Sherrill
Interim HR Manager: Lauren Carney
Distribution Manager: Tim Nugent
Product: Salty Snacks
SIC Code: 2096
NAICS Code: 311919
Parent Company: PepsiCo; Purchase, NY
Year Established: 1998
Number of Employees: 545
JRCC, EIA, JU

Hedger Brothers, Inc.

100 S. Patrick Street
Jonesboro, AR 72401
Phone: 870.932.4881
Fax: 870.932.0566
Email: hedgerbrothers@ritternet.com
President: Leon Hedger
Product: Ready-Mix /Concrete Blocks, Building Materials,
Precast Items
SIC Code: 3271, 3272, 3273
NAICS Code: 327331
Year Established: 1946
Number of Employees: 26
JRCC

Home Ice & Cold Storage, Inc.

700 Cate Street
Jonesboro, AR 72401
Phone: 870.935.5555
Fax: 870.935.6588
President: Sam Rosse
Plant Manager: Sammy Rosse III
Product: Ice
SIC Code: 2097
NAICS Code: 312113
Year Established: 1929
Number of Employees: 2
JRCC

Hytrol Conveyor Company

2020 Hytrol Drive
Jonesboro, AR 72401
Phone: 870.935.3700
Fax: 870.935.0847 or 800.852.3233
Email: info@hytrol.com
Web Site: www.hytrol.com
President: Gregg Goodner
VP Business Development: Chuck Waddle
CFO: Sherry Stringer
Human Resource Manager: Sandy Logsdon
VP Business Operations: Bob West
VP Manufacturing Operations: Don Wilson
Chairman of the Board: Robert Jones
Product: Conveyors
SIC Code: 3535
NAICS Code: 333922
Year Established: 1947
Number of Employees: 569
Imports, Exports, JRCC, EIA, JU

Ingels, Inc.

P.O. Box 600; 104 Best Industrial Drive
Jonesboro, AR 72403-0600
Phone: 870.935.9977
Fax: 870.931.3903
Email: marjay@suddenlinkmail.com
Web Site: www.ingels.biz
President: Marlin Thyer
Vice President and Sales Manager: Julia J. Thyer
Product: Enamels, Fast Air Dry, Epoxy, Rubber Base, Swimming
Pool Coating, Color Dispersions & Seed Coating
SIC Code: 2851, 2891, 2899
NAICS Code: 325510, 325520
Parent Company: MarJay, LLC
Year Established: 1947
Number of Employees: 3
Exports

Jiffy Print Center

P.O. Box 1911; 1207 Flint Street
Jonesboro, AR 72403-1911
Phone: 870.933.0500
Fax: 870.933.2011
Email: jiffyprintcenter@sbcglobal.net
Owner: Joel Esau
Product: Commercial Printing, Copies
SIC Code: 2752, 2761, 2791
NAICS Code: 323110, 323114
Parent Company: Jifco, Inc.; Jonesboro, AR
Year Established: 1991
Number of Employees: 3

J.K. Products & Services, Inc.

#1 Walter Kratz Drive
Jonesboro, AR 72401
Phone: 870.935.1130
Fax: 870.935.3618
Email: terry.mays@us.jk-group.net
Web Site: www.jkamerica.com
Plant Manager: Terry Mays
Engineer Manager: Ric Metcalf
Product: Tanning Equipment
SIC Code: 3444, 3618
NAICS Code: 332322, 333414
Parent Company: JK Holding; Winhagen, Germany
Year Established: 1979
Number of Employees: 171
Imports, Exports, JRCC, EIA

Jimco Lamp & Manufacturing Co.

P.O. Box 490; 11759 Hwy. 63 B
Bono, AR 72416-0490
Phone: 870.935.6820
Fax: 870.935.6822
Email: jimco@jimcolamp.com
Web Site: www.jimcolamp.com
President: Don Harmon
CFO: Ron Lindley
Controller: Mark Biggers
Product: Portable Lamps
SIC Code: 3089, 3645
NAICS Code: 326199, 337215
Year Established: 1963
Number of Employees: 120
Imports, JRCC

JMS Russel Metals Corp.

2801 Commerce Drive
Jonesboro, AR 72401
Phone: 870.972.5802
Fax: 870.972.1167
Email: ar-sales@jmsmetal.com
Web Site: www.jmsmetal.com
General Manager: Simon Storer
Product: Steel Processor and Warehouse
Parent Company: Russel Metals Corp
Mississauga, Ontario (Canada)
SIC Code: 3443
NAICS Code: 332313
Year Established: 1996
Number of Employees: 40
Imports, Exports, JRCC, EIA

Robert Jones Machine Shop

5301 Stadium Boulevard
Jonesboro, AR 72401
Phone: 870.935.1669
Fax: 870.935.6683
Email: magicmist@suddenlinkmail.com
Owner: Robert Jones
Product: Welding and Machining
SIC Code: 3599
NAICS Code: 332710
Year Established: 1991
Number of Employees: 1

Jonesboro Manufacturing Company

P.O. Box 2608; 4900 Krueger Drive
Jonesboro, AR 72402-2608
Phone: 870.972.0190
Fax: 870.972.4741
Email: larryb@jonesboromfg.com
Website: www.jonesboromfg.com
Partners: Larry Brimhall and James Goldsmith
Plant Manager: Frank Mote
Production Manager: Donna Blasingame
Product: Metal Stamping
SIC Code: 3452, 3469, 2471, 3479
NAICS Code: 332722, 332116, 332812
Year Established: 1975
Number of Employees: 20
JRCC, EIA

Jonesboro Prosthetic & Orthotic Lab

P.O. Box 9303; 820 Professional Acres
Jonesboro, AR 72403-9303
Phone: 870.932.6436
Fax: 870.932.3934
Web Site: www.jpo-online.com
President & CEO: Rob A. Yates
Product: Prosthetic and Orthotic Devices
SIC Code: 3841
NAICS Code: 339112
Year Established: 1987
Number of Employees: 9
JRCC

The Jonesboro Sun

P.O. Box 1249; 518 Carson Street
Jonesboro, AR 72403-1249
Phone: 870.935.5525
Fax: 870.935.5823
Email: newsroom@jonesborosun.com
dmosesso@jonesborosun.com
Web Site: www.jonesborosun.com
Publisher: David Mosesso
Product: Printing, Newspaper
SIC Code: 2711
NAICS Code: 511110
Parent Company: Paxton Media Group, Inc.
Paducah, Kentucky
Year Established: 1901
Number of Employees: 87
JRCC, JU

Jonesboro Tool & Die Company, Inc.

P.O. Box 2496; 2620 Commerce Drive
Jonesboro, AR 72402-2496
Phone: 870.935.9922
Fax: 870.932.1807
Email: jtdwire@bscn.com
President: Shannon Lenderman
Shop Foreman: Jamie Brown
Personnel Manager: Shannon Lenderman
Office Manager: Rhonda McDaniel
Product: Tool & Dies, Jig & Fixtures
SIC Code: 3544
NAICS Code: 333511, 333514
Year Established: 1973
Number of Employees: 40
JRCC, EIA

Kroeter, Inc.

5801 Krueger Drive
Jonesboro, AR 72401
Phone: 870.972.6965
Fax: 870.802.2442
Email: dkroeter@suddenlinkmail.com
President: Walter H. Kroeter
Product: Wood, Metal, and Plastic Patterns & Models,
Metallurgical Consulting
SIC Code: 3543
NAICS Code: 332997
Year Established: Est. in 1890 as Remmers Pattern Co.
Number of Employees: 1

LensMasters

320 S. Church Street
Jonesboro, AR 72401
Phone: 870.972.1818
Fax: 870.972.0356
Email: acebo@rxlensmasters.com
Website: www.rxlensmasters.com
Owner & President: Sam Acebo
Vice President: Rusty Acebo
VP Operations: Holly Acebo
Licensed Opticians: Arlene Breazeal, Sam Acebo, Rusty Acebo,
Robin Bishop & Kay Raymond
Product: Eye Glasses
Parent Company: Prescription Lens, Inc.; Jonesboro, AR
SIC Code: 3851
NAICS Code: 339115
Year Established: 1990
Number of Employees: 8
JRCC

Majestic Car Fragrance

5301 Stadium Boulevard
Jonesboro, AR 72401
Phone: 870.935.1669
Fax: 870.935.6683
Email: magicmist@suddenlinkmail.com
Owner: Robert Jones
Product: Vending Machines for Car Washes
SIC Code: 2842, 3589
NAICS Code: 325612, 333319
Year Established: 2009
Number of Employees: 1

Majestic Metals

P.O. Box 993; 110 Walnut Street
Jonesboro, AR 72403-0993
Phone: 870.935.5948
Fax: 870.935.8153
Email: majestic@mynewroads.com
President: Jeff Koontz
Product: Bathroom Wall Mounted Fixtures, Contract
Stamp Metal Parts
SIC Code: 3444, 3646
NAICS Code: 335122, 332322
Year Established: 1995
Number of Employees: 4
Imports

Master Print Group

P.O. Box 16417; 5115 E. Highland Drive
Jonesboro, AR 72403-1264
Phone: 870.932.4491
Fax: 870.932.8080
Email: lookgood@masterprintgroup.com
Web Site: www.masterprintgroup.com
President: Jon Wilbanks
VP/Treasurer: Mary Ellen Wilbanks
VP Marketing: Susan W. Ishmael
Product: Printing, Commercial and Publications
SIC Code: 2741, 2752, 2761, 2791
NAICS Code: 511120, 323110, 323116, 326122
Year Established: 1968
Number of Employees: 27
JRCC

Mid-America Manufacturing Company

P.O. Box 2278; 3907 Harrisburg Road
Jonesboro, AR 72402-2278
Phone: 870.972.8080
Fax: 870.932.0291
Email: mamco@maculvert.com
Web Site: www.maculvert.com
President: John Craft
Product: Machines & Equipment for Concrete Pipe Industry
SIC Code: 3272
NAICS Code: 333120
Year Established: 1980
Number of Employees: 20
Exports, JRCC, EIA

MidSouth Tackle

128 CR 108
Jonesboro, AR 72404
Phone: 870.935.4914 or 888.935.0189
Fax: 870.935.4914
Email: doylehudson@hughes.net
Web Site: www.midsouthtackle.com
Designer: Doyle Hudson
Plastics Manager: Roger Hudson
Product: Plastic Tube Skirts - Fishing
SIC Code: 3949
NAICS Code: 339920
Year Established: 1980
Number of Employees: 4

Millard Refrigerated Services

2407 Great Dane Drive
Jonesboro, Arkansas 72401
Phone: 870.934.8000
Fax: 870.934.8558
Email: ewalden@millardref.com
Web Site: www.millardref.com
General Manager: Eric Walden
Office Manager: Inez Smith
Operations Manager: Michael Teague
Product: Refrigerated Warehouse
NAICS Code: 493120
Parent Company: Millard Refrigerated Service, Omaha, NE
Year Established: 2001
Number of Employees: 51
Imports, Exports

N.E.A.T. Pressworks

P.O. Box 2021; 5408 Vance Drive and 3200 Niel Cove
Jonesboro, AR 72402-2021
Phone: 870.932.5869
Fax: 870.931.6889
Email: info@neatpressworks.com
Web Site: www.neatpressworks.com
Owner: Vaughn Wisdom
Product: Fabricated Raw Metal Parts, Painted Metal Parts
and Plastic Parts
SIC Code: 3499
NAICS Code: 332999
Year Established: 1989
Number of Employees: 11
JRCC, EIA

Nelson Printing & Label Company

2602 E. Matthews
Jonesboro, AR 72401
Phone: 870.932.9770
Fax: 870.932.1116
Email: print@nelsonprinting.com
Web Site: www.nelsonprinting.com
President: Bob Nelson
Vice President: Carolyn Nelson
Product: Commercial Offset and Digital, Flexo Label Printing
SIC Code: 2741, 2752, 2759, 2761, 2791
NAICS Code: 231120, 511120, 323110, 323116, 323122
Year Established: 1981
Number of Employees: 10
JRCC

Nestlé Prepared Foods Company

One Nestlé Way
Jonesboro, AR 72401
Phone: 870.268.4800
Fax: 870.268.4809
Plant Manager: Dan Braswell
Human Resource Manager: Greg Burnette
Email: Daniel.braswell@us.nestle.com
Web Site: www.nestleusa.com
Product: Frozen Entrees
SIC Code: 5142
NAICS Code: 311412
Parent Company: Nestlé USA, Glendale, CA
Year Established: 2003
Number of Employees: 725
Exports, JRCC, EIA, JU

Nettleton Concrete, Inc.

(Corporate Office)
P.O. Box 2157; 2318 Moore Road (72401)
Jonesboro, AR 72402-2157
Phone: 870.932.4400
Fax: 870.932.4079
Email: sales@nettletons.com
Web Site: www.nettletons.com
President: G. Dwayne Winters
Product: Concrete Blocks and Ready Mix Concrete
SIC Code: 3217
NAICS Code: 327331, 327320
Year Established: 1947
Number of Employees: 18
JRCC

Nettleton Ready Mix

P.O. Box 2157; 2020 Watt Street (72401)
Jonesboro, AR 72402-2157
Phone: 870.932.4400
Fax: 870.932.4079
Email: sales@nettletons.com
Web Site: www.nettletons.com
President: G. Dwayne Winters
Product: Concrete Blocks and Ready Mix Concrete
SIC Code: 3217
NAICS Code: 327331, 327320
Year Established: 1947
Number of Employees: 16
JRCC

NEW Customer Service Companies, Inc.

22660 Executive Drive
Sterling, Virginia 20166
Web Site: www.newcorp.com
President & CEO: Tony Nader
Product: Work-at-Home Customer Care Service
NAICS Code: 561421
Year Established: 2008
Number of Employees: 72

Nice-Pak Products, Inc.

1 Nice-Pak Road
Jonesboro, AR 72404
Phone: 870.935.6423
Fax: 870.934.0086
Web Site: www.nicepak.com
Plant Manager: John Goodwin
Product: Pre-Moistened Wipes
SIC Code: 2297
NAICS: 313230
Parent Company: Nice-Pak Products, Inc./PDI
Orangeburg, NY
Year Established: 2008
Number of Employees: 130
Imports, Exports, JRCC, EIA, JU

Nordex USA

3100 Nordex Drive
Jonesboro, AR 72401
Phone: 870.934-0482
Fax: 870.934-0693
Web Site: www.nordex-online.com
Director of Production: Bill Pixley
Director of Service: Carter Justice
Human Resource Manager: Barbara Smith
Product: Wind Turbine Nacelles and Blades
SIC Code: 3612
NAICS: 326199
Parent Company: Nordex Energy AG; Germany
Year Established: 2008
Number of Employees: 77
Imports, JRCC, EIA

Optus, Inc.

P.O. Box 2503; 3423 One Place
Jonesboro, AR 72402-2503
Phone: 870.974.7777
Fax: 870.974.7782
Email: lori.smith@optusinc.com
Web Site: www.optusinc.com
President: Mark Duckworth
COO: David Sluder
Sales Manager: Brian Duckworth
Human Resource Manager: Lori Smith
Product: Voice, Video and Data Communication Solutions
SIC Code: 3661
NAICS Code: 334210
Year Established: 1996 (Jonesboro); Incorporated 1991
Number of Employees: 100
JRCC, EIA, JU

Pasmore Printing & Fast Copy

2900 E. Matthews
Jonesboro, AR 72401
Phone: 870.932.6529
Fax: 870.931.6529
Email: lisa@pasmoreprinting.com
Web Site: www.pasmoreprinting.com
Owners: Lisa Harrell
Product: Commercial and Social Printing
SIC Code: 2741, 2752, 2761, 2791
NAICS Code: 511120, 511199, 323110, 323114
Year Established: 1947
Number of Employees: 2

Post Foods LLC

5800 C.W. Post Drive
Jonesboro, AR 72401
Phone: 870.933.4100
Fax: 870.933.4190
Web Site: www.ralcorp.com
Plant Manager: Greg Riekhof
Human Resource Manager: Darryl Smith
Product: Breakfast Cereal
SIC Code: 2043
NAICS Code: 311230
Parent Company: Ralcorp Holdings Inc., St. Louis
Year Established: 1992
Number of Employees: 245
JRCC, EIA

Pride of Dixie Syrup Company

P.O. Box 1117 - Jonesboro, AR 72403-1117
217 Co-Op Drive - Bono, AR 72416
Phone: 870.935.2252
Fax: 870.935.9324
Email: bestpetro@sbcglobal.net
President: Troy Coleman
Vice President: David Best
Product: Table Syrup
SIC Code: 2099
NAICS Code: 311999
Year Established: 1927
Number of Employees: 3

Quad/Graphics

4708 Krueger Drive
Jonesboro, AR 72401
Phone: 870.935.7000
Fax: 870.333.2029
Web Site: www.qg.com
Plant Manager: Michael DeHart
Human Resource Manager: Charlie Kratts
Product: Printing
SIC Code: 2752
NAICS Code: 323110
Union: GCC/Teamsters
Parent Company: Quad/Graphics; Sussex, WI
Year Established: 1972
Number of Employees: 728
EIA

Quality Precast Corporation

P.O. Box 1556; 310 Reeves Street
Jonesboro, AR 72403-1556
Phone: 870.974.9977
Fax: 870.974.9976
Email: jond@qualityprecast-arkansas.com
President: Jon DePriest
Product: Architectural Precast Concrete
SIC Code: 3272
NAICS Code: 327390
Year Established: 1995
Number of Employees: 14

Riceland Foods, Inc.

216 N. Gee Street
Jonesboro, AR 72401
Phone: 870.932.7433
Fax: 870.933.1126
Email: riceland@riceland.com
Web Site: www.riceland.com
VP Rice Milling & Engineering: Rick Rorex
Division Manager: Mike Gray
Human Resource Manager: Allan Bounds
Product: Rice, Rice Flour, Rice By-Products
SIC Code: 2044
NAICS Code: 311212
Parent Company: Riceland Foods, Inc.; Stuttgart, AR
Year Established: 1935
Number of Employees: 296
Exports, JRCC, EIA, JU

Robertson Manufacturing & Engineering International, Inc.

3209 Springwood Dr. (Mailing); 408 W. Jefferson (Location)
Jonesboro, AR 72401
Phone: 870.933.0148 / 800.806.6674
Fax: 870.933.0147
Email: filtermate@filtermate.com
Web Site: www.filtermate.com
President: Wayde Robertson
Product: Commercial/Industrial Air Purification Equipment
SIC Code: 3559
NAICS Code: 333411
Year Established: 1989
Exports

Scurlock Industries of Jonesboro

P.O. Box 1500; 800 W. Johnson Avenue
Jonesboro, AR 72403-1500
Phone: 870.935.5913
Fax: 870.933.9048
Email: jim@s-ind.com
Web Site: www.scurlockindustries.com
President: Jim Scurlock
General Manager: Drew Scurlock
CFO: Dean Massey
Office Manager: Vicky Baker
Product: Concrete Pipe, Precast Products
SIC Code: 3272
NAICS Code: 327332
Year Established: 1953
Number of Employees: 35
JRCC, EIA, JU

SignSystems, Inc.

P.O. Box 6064; 301 Burke Avenue
Jonesboro, AR 72403-6064
Phone: 870.931.1761 / 800.416.4458
Fax: 870.931.7920
Email: sales@signsystems1.com
bgatlin@signsystems1.com
jgatlin@signsystems1.com
dgatlin@signsystems1.com
Web Site: www.signsystems1.com
President: Bill Gatlin
Co-Vice Presidents: Jeremy Gatlin and Dewayne Gatlin
Product: Signs, Design, Manufacture, Consulting
SIC Code: 3993, 1799, 7699
NAICS Code: 339950, 235990
Year Established: 1994
Number of Employees: 25
JRCC

Smurfit-Stone Container Corporation

2200 Industrial Drive
Jonesboro, AR 72401
Phone: 870.932.9511
Fax: 870.935.3357
Email: lstorey@smurfit.com
Web Site: www.smurfit.com
Plant Manager: Lewis Storey
Controller: Melaynie Perkins
Product: Corrugated Shipping Containers
SIC Code: 2653
NAICS Code: 322211
Union: UNITE
Parent Company: CreveCore, Chicago, IL
Year Established: 1960
Number of Employees: 21
JRCC, EIA

Southern Cast Products, Inc.

5701 Krueger Drive
Jonesboro, AR 72401
Phone: 870.972.1260
Fax: 870.972.1261
Email: imrie@southerncast.com
Website: www.southerncast.com
President: Doug Imrie
Product: Sand Cast Iron, Aluminum & Steel Castings & Machining
of Sand Cast Iron, Aluminum & Steel Castings
SIC Code: 3321, 3322, 3365
NAICS Code: 331511, 331524
Year Established: 1976
Number of Employees: 32
JRCC, EIA

Southern Tool & Die

2802 Commerce Drive
Jonesboro, AR 72401
Phone: 870.932.2350
Fax: 870.932.4720
President: Lindell Pratt
Product: Tool & Die Machine Shop
SIC Code: 3544, 3599
NAICS Code: 333511, 333514, 332710
Year Established: 1977
Number of Employees: 6
JRCC, EIA

Spirit Fitness Products

P.O. Box 2037; 2601 Commerce Drive
Jonesboro, AR 72402-2037
Phone: 870.935.1107
Fax: 870.935.7611
Email: sales@spiritfitness.com
Web Site: www.spiritfitness.com
President: Chris Cox
VP Operations: Tiger Chen
Office Manager: Leah Jones
Product: Treadmills
SIC Code: 3949
NAICS Code: 339920
Parent Company: Dyaco International; Tripei, Taiwan
Year Established: 1980
Number of Employees: 56
Imports

StarTek

2908 S. Caraway Road
Jonesboro, AR 72401
Phone: 870.934.4300
Fax: 870.934.0385
Web Site: www.startek.com
Human Resource Manager: Mary-Ann Norberg
Site Director: Beth Wieler
Recruiting Manager: Lacey Hawkins
Product: Customer Care Center
Parent Company: StarTek, Denver, Colorado
NAICS Code: 561421
Year Established: 2008
Number of Employees: 425
JRCC

Thomas & Betts Corporation

5601 E. Highland Drive
Jonesboro, AR 72401
Phone: 870.935.2559
Fax: 870.935.8326
Web Site: www.tnb.com
Plant Manager: Dan Seidel
Human Resource Manager: John Shatzer
Product: Electrical Fittings
Parent Company: Thomas & Betts Corporation; Memphis, TN
SIC Code: 3711
NAICS Code: 334417
Year Established: 1994
Number of Employees: 375
Imports, Exports, JRCC, EIA

TRG Jonesboro, LLC

P.O. Box 1580; 105 S. Flint Street
Jonesboro, AR 72403-1580
Phone: 870.932.8361
Fax: 870.935.4044
Email: info@trg.net
Web Site: www.TRG.net
Manager: Adam Rauth
Yard Operations Supervisor: Chris Scercy
Product: Metal, Paper & Glass Recycling
Parent Company: Tenenbaum Recycling Group, LLC
North Little Rock, AR
SIC Code: 3399
NAICS Code: 331314
Year Established: 1907
Number of Employees: 29
Exports, JRCC, EIA

Trinity Lighting

P.O. Box 2498; 2902 Quality Way
Jonesboro, AR 72402-2498
Phone: 870.972.1177
Fax: 870.972.6381
Email: sales@trinitylighting.com
Email: dfalls@trinitylighting.com
Web Site: www.trinitylighting.com
President: Doug Falls
Product: Lighting Fixtures
SIC Code: 3646
NAICS Code: 335122
Year Established: 1992
Number of Employees: 41
Imports, JRCC, EIA

Tri-State Aluminum Window & Door

5621 E. Nettleton Avenue
Jonesboro, AR 72401
Phone: 870.935.7333
Fax: 870.935.7336
President: Rosemary Miller
Product: Replacement Windows, Storm Windows, Security Doors,
Rails, Carport & Patio Covers
SIC Code: 2711
NAICS Code: 511110
Year Established: 1974
Number of Employees: 2
JRCC

Westside Optical, Inc.

P.O. Box 157; 35 CR 347
Bono, AR 72416
Phone: 870.972.0759
Fax: 870.972.6023
Owner: Randy Britton
Product: Optical Lenses
SIC Code: 3851
NAICS Code: 339115
Year Established: 1995
Number of Employees: 9

Windchimes by Russco III, Inc.

6140 Southwest Drive
Jonesboro, AR 72404
Phone: 870.932.5509
Fax: 870.933.8741
Email: rich@myrusscogarden.com
Web Site: www.myrusscogarden.com
President: Rich Harral
Product: Lawn and Garden Decor
SIC Code: 3999
NAICS Code: 332999
Year Established: 1982
Number of Employees: 32
Imports, Exports, JRCC, EIA

Poinsett County

Ashley Lighting

405 Industrial Drive
Trumann, AR 72472-4046
Phone: 870.483.6181 or 800.343.5267
Fax: 870.483.7140
President: Blake Barber
Plant Superintendent: Christy McCaa
Web Site: www.ashleylighting.com
Product: Industrial and Commercial Lighting Fixtures
SIC Code: 3646
NAICS Code: 335122
Year Established: 1986
Employees: 45
Imports

Baldwin Piano, Inc.

P.O. Box 550; 900 Hwy. 463 South
Trumann, AR 72472
Phone: 870.483.6111
Fax: 870.483.5894
Web Site: www.baldwinpiano.com
Product: Grand, Vertical, Player and Digital Pianos
SIC Code: 3931
NAICS Code: 339992
Parent Company: Gibson Musical Instruments, Nashville, TN
Year Established: 1979
Number of Employees: 13
Exports, Imports

Bilco

536 Hwy. 463 South
Trumann, AR 72472
Phone: 870.483.5118
Fax: 870.483.2210
Email: bilco@bilco.com
Web Site: www.bilco.com
Vice President Manufacturing: Al Collins
Office Supervisor: Cyndi Bond
Engineer Manager: Asad Saleem
Product: Roof Access Products, Floor Vaults, Sidewalk Doors
SIC Code: 3442
NAICS Code: 332321
Parent Company: Bilco; New Haven, CT
Year Established: 1926
Number of Employees: 71
Imports, Exports, EIA

Center Core Furniture, Inc.

201 Industrial Park
Marked Tree, AR 72365
Phone: 870.358.2500
Fax: 870.358.3330
Email: inquiry@centercore.com
Web Site: www.centercore.com
President: Kevin Singleton
Product: Office Furniture - Modular; Filing Systems
SIC Code: 2522, 2521
NAICS Code: 337214, 337211
Year Established: 2002
Number of Employees: 30
Exports

Columbia Forest Products, Inc.

202 Poinsett Avenue
Trumann, AR 72472-2714
Phone: 870.483.6408 or 800.228.6408
Fax: 870.483.6401
Email: bmclung@cfpwood.com
Web Site: www.columbiaforrestproducts.com
Plant Manager: Douglas Heath
Human Resource Manager: Barbara McClung
Product: Hardwood and Plywood Lumber
SIC Code: 2426
NAICS Code: 321912
Year Established: 1985
Employees: 107
Imports

Denco Manufacturing, Inc.

DBA Dennis Manufacturing Company
P.O. Box 110; 5545 Hwy. 14 East
Waldenburg, AR 72475-0110
Phone: 870.579.2266
Fax: 870.579.2236
Email: mdennis@ricebelt.net
Owner: Mark Dennis
Product: Farm Equipment, Re-Lift Pump Systems
SIC Code: 3599
NAICS Code: 333999
Parent Company: Denco Mfg. Inc.; Waldenburg, AR
Year Established: 1962
Number of Employees: 11
Exports

Environmental Filter II Corp.

101 Industrial Park
Marked Tree, AR 72365
Phone: 870.358.4440 or 800.809.4900
Fax: 870.358.4443
Email: wbeckon@efisales.com
Web Site: www.efisales.com
President: Jennifer Beckon-Ten Eyck
Engineer: Weir Beckon
Product: Dust Collector Cartridges
SIC Code: 3564
NAICS Code: 333411
Year Established: 1992
Number of Employees: 15
Exports

Hedge Auger Service, Inc.

P.O. Box 426; 3005 Kingshighway W.
Weiner, AR 72479
Phone: 870.684.2243
Owner: Ronny Hedge
Product: Grain Handling Equipment, Welding Services,
MIG and Arc
SIC Code: 3556, 7692
NAICS Code: 333294, 811310
Year Established: 1961
Number of Employees: 2

Hedger Brothers, Inc.

441 N. Willow Avenue
Trumann, AR 72476
Phone: 870.483.5942
Fax: 870.483.1062
Product: Ready Mix Concrete, Concrete Blocks, Building Materials
SIC Code: 3273
NAICS Code: 327320, 273310
Parent Company: Hedger Brothers; Jonesboro, AR
Year Established: 1946
Number of Employees: 5

J.A. Price Jeweler

110 Liberty Street
Marked Tree, AR 72365
Phone: 870.358.2306
Fax: 870.358.4569
Email: japricejeweler@yahoo.com
Owner: John Price
Product: Custom Made Jewelry and Corporate Gifts
SIC Code: 3911
NAICS Code: 339911
Year Established: 1932
Number of Employees: 2

McWell Manufacturing, Inc.

744 Hwy. 463 South
Trumann, AR 72472
Phone: 870.483.5554
Fax: 870.483.5554
President: Ray McClung, Jr.
Vice President: Gerald Glidewell
Product: Machined Metal Parts
SIC Code: 3444
NAICS Code: 332322
Year Established: 1988
Number of Employees: 2

Modern News

P.O. Box 400; 206 N. Main Street
Harrisburg, AR 72432
Phone: 870.578.2121
Fax: 870.578.9415
Email: modernnews@pcsii.com
Owner & Publisher: Charles Nix
Product: Newspaper
SIC Code: 2711
NAICS Code: 511110
Year Established: 1888
Number of Employees: 4

Ozarka Furniture Manufacturing LLC

DBA Vinco Furniture, Inc.
133 N. Melton Avenue
Trumann, AR 72472
Phone: 870.483.6191 or 800.482.1061
Fax: 483.7285
Email: info@vincofurniture.com
Web Site: www.vincofurniture.com
Owners: J.D. Patel and Bob Patel
Product: Hotel/Motel Furniture
SIC Code: 2512
NAICS Code: 337121
Year Established: 1989
Number of Employees: 23
Imports

Pine Grove Wood Products

P.O. Box 90; 1303 Pine Grove Lane
Harrisburg, AR 72432
Phone: 870.578.2766
Fax: 870.578.2766
Email: fwroberts@sbcglobal.net
Owner: Farrel Roberts
Operations Manager: Jeffrey T. Spiegel
Product: Wood Roof & Floor Trusses
SIC Code: 321214
NAICS Code: 321992, 321214
Year Established: 1986
Number of Employees: 5

Poinsett County Democrat Tribune

P.O. Box 5; 201 Hwy. 463 N.
Trumann, AR 72472
Phone: 870.483.6317
Fax: 870.483.6031
Email: poinsetttditor@centurytel.net
Web Site: www.democratribune.com
Editor & General Manager: Nancy Kemp
Publishers: Nancy Kemp, Ron Kemp
Office Manager: Bridget Bean
Reporters: Corey Clairday
Product: Newspaper
SIC Code: 2711
NAICS Code: 511110
Parent Company: Rust Communication; Cape Girardeau, MO
Year Established: 1923
Number of Employees: 2

Poinsett Fertilizer, Inc.

10415 Stuckey Lane
Trumann, AR 72472
Phone: 870.483.7625
Fax: 870.483.6779
Product: Fertilizer, Agri Chemical Seed, Ginning
SIC Code: 2875
NAICS Code: 325314
Year Established: 1979
Number of Employees: 35

Rice Country Tarps, Inc.

P.O. Box 59; 7614 Hwy. 49
Waldenburg, AR 72475
Phone: 870.579.2245
Fax: 870.579.2209
Owners: Shawn & Theresa Powell
Product: Truck Tarps, Covers
SIC Code: 2394
NAICS Code: 314912
Re-Established 2006
Number of Employees: 3

Riceland Foods

P.O. Box 130; 49 N. and Lake Hogue Road
Waldenburg, AR 72476
Phone: 870.934.3000
Fax: 870.934.3035
Web Site: www.riceland.com
Director of Operations: Kenneth Wixson
Human Resource Director: Priscilla Tennyson
Product Manager: Pam Welch
Product: White & Brown Whole Grain Bulk and Packaged Rice,
and Rice By-Products
SIC Code: 2044, 2099
NAICS Code: 311212
Parent Company: Riceland Foods; Stuttgart, AR
Year Established: 1978
Number of Employees: 60
Exports

Roach Conveyors

P.O. Box 1310; 808 Hwy. 463
Trumann, AR 72472-1310
Phone: 870.483.7631
Fax: 870.483.7049
Email: sales@roachconveyors.com
Web Site: www.roachconveyors.com
President: Gay Roach, Sr.
VP Sales / Engineering: Charlie Parks
Product: Material Handling Conveyors
SIC Code: 3535
NAICS Code: 333922
Year Established: 1953
Employees: 250
Exports

Snyder Industries, Inc.

602 Industrial Street
Marked Tree, AR 72365
Phone: 870.358.3400
Fax: 870.358.3416
Email: gmiddleton@snydernet.com
beaglin@snydernet.com
Web Site: www.snydernet.com
Plant Manager: Greg Middleton
Human Resource Manager: Barbara Eaglin
Product: Plastic Bulk Storage Tanks
SIC Code: 3089
NAICS Code: 326199
Parent Company: Snyder Industries; Lincoln, NE
Year Established: 1957
Number of Employees: 50

Southern Brown Rice

P.O. Box 185; 8553 Raybourn Road
Weiner, AR 72479
Phone: 870.684.2354
Fax: 870.684.2239
Email: office@hoguefarms.com
Web Site: www.hoguefarms.com
President: Willadean Hogue
Manager: Lee Hogue
Product: Organic - Brown and White Rice, Rice Flour
SIC Code: 2044, 2041
NAICS Code: 311212, 311211
Year Established: 1910 (Farm), 1982 (Rice Mill)
Number of Employees: 20
Exports

Speedway Sales

P.O. Box 702; Hwy. 463 South
Trumann, AR 72472
Phone: 870.483.2161
Fax: 870.483.5239
Email: jim@speedwaysalesgolfcars.com
Web Site: www.speedwaysalesgolfcars.com
Owner: Jim Welch
Product: Rebuild Golf Cars
SIC Code: 5571-02
NAICS Code: 441229
Supplier: EZ-Go, Augusta, Georgia
Year Established: 1973
Number of Employees: 2

APPENDIX E

Pretreatment Ordinance 12:009
Part I, Chapter 70, Article III, Division 2
Effective March 20th, 2012
with Executive Summary and Summary of Changes

Joiner—(cont.)

SIC—2299; *Cotton ginning*
Employs—5; Estab.—2003
Sales—under \$500,000
Distrib.—National
Privately owned corporation

Jones Mill

(Hot Spring—S.W.—Pop. 1,896)

**MARTIN MARIETTA AGGREGATES,
JONES MILL ASPHALT**

Div. of Martin Marietta Materials, Inc.
4202 Highway 270 (72105)
Phone—(501) 844-4707
Fax—(501) 844-4704
www.martinmarietta.com
Email—info@martinmarietta.com
Hum. Res. Mgr.—Joe Hewett
Foreman—Michael Hulsey
SIC—2951; NAICS—324121;
Asphalt paving compounds
Employs—4; Estab.—1998
Sales—\$1Mil-\$5Mil
Distrib.—Local
Publicly owned corporation
Parent co.—Martin Marietta Materials, Inc., Raleigh, NC
Phone—(919) 781-4550
See Parent Co. Section for full profile.

Jonesboro

(Craighead—N.E.—Pop. 55,515)

A TO Z PAPER & CHEMICAL, LLC

5305 Stadium Blvd. (72404)
Phone—(870) 933-6666
National—(800) 959-4482
Fax—(870) 935-1949
Pres.—Paul Hall
SIC—2299; *Towel cutting*
Employs—5; Estab.—1991
Sales—under \$500,000
Distrib.—Regional
Privately owned corporation

ACE TOOL & MFG. CO.

1011 Cottonbelt Ave. (72401-2612)
Phone—(870) 972-0480
Owner—Edward South
Machinery Mgr.—Robert Jones
SIC—3599; *Machine parts*
Employs—9; Estab.—1976
Sales—under \$500,000
Distrib.—Local
Sole ownership

ACME BRICK CO.

2905 Dan Ave. (72401)
Mail addr: P.O. Box 60, Jonesboro (72403)
Phone—(870) 935-5182
Fax—(870) 935-9162
www.acmebrick.com
Email—contact@brick.com
Plt. Mgr.—Greg May
SIC—3251; *Clay bricks*
Employs—45; Estab.—2000
Sales—\$2.5Mil-\$5Mil
Distrib.—Regional
Publicly owned corporation
Parent co.—Acme Brick Co., Fort Worth, TX
Phone—(817) 332-4101
See Parent Co. Section for full profile.

†AFTERSORT, INC.

1700 Darr Hill Rd. (72404)
Phone—(870) 933-8871
National—(877) 891-8871
Fax—(870) 268-0535
www.aftersort.com
Email—sales@aftersort.com
Pres.—Gary Carter
Sales Rep.—John Jaynes

SIC—5084; 5085; *Wholesaler of material handling equipment, including conveyors & corrugated boxes*
Employs—12; Estab.—1999
Distrib.—National
Privately owned corporation

AIR TITE, INC.

3108 Parker Annex Rd. (72404)
Phone—(870) 935-8483
Fax—(870) 932-5219
www.airtitearkansas.com
Email—airtite@airtitearkansas.com
Pres., CFO—James Darnell
V.P.—Stacy Darnell
GM, Off., MIS & Pur. Mgr.—Pat Light
Plt. Mgr.—Eddie Wortham
SIC—3429; *Heating & air duct connectors*
Employs—40; Estab.—1983
Sales—\$1Mil-\$5Mil
20,000 sq ft site, Distrib.—National
Privately owned sub-S corp.

AIRGAS MID SOUTH, INC.

Div. of Airgas Mid-South, Inc.
4206 Access Rd. (72401)
Phone—(870) 932-2916
National—(800) 332-1146
Fax—(870) 932-6331
www.airgas.com
Email—info@airgas.com
GM—Kim Wall
SIC—3548; *Welding equipment*
Employs—18; Estab.—1963
Sales—\$2.5Mil-\$5Mil (est)
Distrib.—Local
Publicly owned corporation
Parent co.—Airgas Mid-South, Inc., Tulsa, OK
Phone—(918) 585-2611
See Parent Co. Section for full profile.

ALEXANDER'S MACHINE SHOP

1201 E. Johnson Ave., P.O. Box 1925 (72403-1925)
Phone—(870) 935-6405
Fax—(870) 972-9169
www.alexandermachinestop.com
Email—gary-alex@suddenlinkmail.com
Owner—Jimmy Alexander
Shop Mgr.—Gary Gillean
Off. Mgr.—Amy Burnett
Foreman—Darrel Parks
SIC—3599; *CNC machining job shop*
Employs—20; Estab.—1971
Sales—\$2Mil-\$3Mil
50,000 sq ft site, Distrib.—Local

ARCHITECTURAL CONCEPTS, INC.

Div. of Construction Network, Inc.
6009 Dalton Farm Dr. (72404)
Phone—(870) 972-8668
Fax—(870) 972-0397
www.acifourseasons.com
Email—carrie@acifourseasons.com
GM & Off. Mgr.—Bob Lindley
SIC—2431; 2452; NAICS—321992; *Commercial & residential wooden millwork, cabinets, flooring & sunrooms*
Employs—20; Estab.—1993
Sales—\$2.5Mil-\$5Mil (est)
Distrib.—Local
Publicly owned corporation
AKA: ACI
Parent co.—Construction Network, Inc., Jonesboro, AR
Phone—(870) 972-5632
See Parent Co. Section for full profile.

ARKANSAS GLASS CONTAINER CORP.

516 W. Johnson Ave. (72401)
Mail addr: P.O. Box 1717, Jonesboro (72403)
Phone—(870) 932-4564
National—(800) 527-4527
Fax—(870) 268-6217
www.agcc.com

Email—agccsalesdept@agcc.com
Pres., CFO—Anthony Rampley
Ex. V.P.—Joel Sharp
V.P., Sales & Mktg.—Vicki Rampley
MIS Mgr.—Steve Bailey
SIC—3221; NAICS—327213;
Glass food & beverage jars & bottles
Employs—350; Estab.—1947
Sales—\$25Mil-\$100Mil
500,000 sq ft site, Distrib.—National
Privately owned corporation

ARKANSAS TRAILER MFG. CO., INC.

8421 C. W. Post Rd. (72402)
Phone—(870) 935-6366
National—(888) 331-6366
Fax—(870) 935-6416
www.arkansastrailer.com
GM, Plt. & Sales Mgr.—Kevin Simpkins
Parts Mgr.—Brad Wade
SIC—3715; NAICS—336212;
Rebuilt trailers
Employs—18; Estab.—1990
Distrib.—National
Privately owned corporation
Parent co.—Arkansas Trailer Mfg. Co., Inc., Little Rock, AR
Phone—(501) 666-5417
See Parent Co. Section for full profile.

ARROW SCREEN PRINTING, INC.

3304-A Shelby Dr. (72404)
Phone—(870) 934-0605
Fax—(870) 934-0605
Email—arrowsp@bscn.com
Pres.—Kurt Walzer
V.P.—Libby Walzer
SIC—2396; 2395; *Textile screen printing & embroidery*
Employs—10; Estab.—1997
Sales—under \$500,000
Distrib.—National
Privately owned corporation

ART ADVERTISING, INC./AA LABELS & DECALS

2300 W. Washington Ave. (72401)
Phone—(870) 935-4042
Fax—(870) 935-2477
www.artadvertising.com
Email—ggary@artadvertising.com
Owner & V.P., Fin.—Gary D. Gestring
Pres., Engrg., Fin., MIS & R & D Mgr.—Stacy Gestring
Shop Foreman—Jack Hamilton
SIC—2759; 2752; 3993; 3499;
NAICS—323100; *Screenprinted decals, roll labels, bar coding, offset printing, interior & exterior signs, promotional items, advertising specialties, trade show booths & graphics, business forms & nameplates*
Employs—28; Estab.—1969
Sales—\$3Mil-\$4Mil
20,000 sq ft site, Distrib.—Intl.
Privately owned corporation

ATLAS ASPHALT, INC.

1333 Airport Rd. (72401-5402)
Mail addr: P.O. Box 2500, Jonesboro (72402)
Phone—(870) 932-1246
Fax—(870) 935-6687
Email—bfulkerson@atlas-asphalt.com
Pres.—Jim Fulkerson
SIC—2951; NAICS—324121;
Corporate headquarters & asphalt products
Employs—40; Estab.—1979
Sales—\$10Mil-\$25Mil
Distrib.—Local
Privately owned corporation

†BAKER HEALTH CARE, INC.

824 Cobb St., Ste. A (72401)
Phone—(870) 972-8062
National—(800) 422-5479

Fax—(870) 972-1911
www.bakerhealthcare.com
Pres.—Julia Robinson
SIC—5047; 5122; *Distributor of medical equipment & supplies, including wheelchairs, walkers, shower rails & pharmaceuticals*
Employs—50; Estab.—2005
Distrib.—Regional
Privately owned corporation

BAMA CORP.

5904 Krueger Dr. (72401-6820)
Phone—(870) 935-2639
Fax—(870) 935-9319
Email—sales@bamacorporation.com
Pres., CFO—Bren Ann Covington
V.P., Oper., R & D, Sales & Mktg.—Ron McCullars
V.P., Engrg. & Mfg.—David Wells, Jr.
Hum. Res., MIS & Pur. Mgr.—MaDonna Williams
SIC—3535; 3441; NAICS—333922; *Conveyors & structural steel fabrication*
Employs—10; Estab.—1984
Sales—\$1Mil-\$5Mil
40,000 sq ft site, Distrib.—National
Privately owned sub-S corp.

BANK & BUSINESS SOLUTIONS, INC.

1208 Falls St. (72401)
Mail addr: P.O. Box 2577, Jonesboro (72402-2577)
Phone—(870) 935-7029 (870) 972-1345
National—(800) 442-2108
Fax—(870) 935-0387
www.bnbsinc.com
Email—info@bnbsinc.com
CEO—Jerry Spears
V.P. & Sales Mgr.—Bill Grimes
Secy., Plt. Mgr.—Glenda Fowler
Asst. Secy., Off. Mgr.—Jenna Hallmark
SIC—2759; NAICS—323100;
Commercial printing
Employs—8; Estab.—1990
Sales—\$1Mil-\$5Mil
Distrib.—Intl.
Privately owned corporation
Parent co.—Bank & Business Solutions, Inc., Mabelvale, AR
Phone—(501) 224-1992
See Parent Co. Section for full profile.

BEST DIVERSIFIED PRODUCTS, INC.

107 Flint St. (72401-2710)
Phone—(870) 935-0970
Fax—(870) 935-3661
www.bestconveyors.com
Email—salesinfo@bestconveyors.com
Pres.—James E. Markley
Ex. V.P., GM—Scott Bridger
V.P., Sales—Garland Martin
Accts. Mgr., Natl.—Mack Burcham
Hum. Res. Mgr.—Charles Walker
Sales Coord.—Bob Bassett
Sales Specialist—Harold Chadwick
SIC—3535; NAICS—333922;
Conveyors
Employs—105; Estab.—1985
Sales—\$18Mil-\$20Mil
45,000 sq ft site, Distrib.—Intl.
DBA: Best Conveyors

BEST MFG., INC.

204 Best Industrial Dr. (72401)
Mail addr: P.O. Box 6022, Jonesboro (72403)
Phone—(870) 931-9533
Fax—(870) 931-9664
www.bestmanufacturinginc.com
Email—info@bestmanufacturinginc.com
Pres.—James Best
V.P., Admn. & Sales—Cliff Young
Off. Mgr.—Debbie Booth

Jonesboro—(cont.)

SIC—3499; 3599; *Custom metal fabrication & laser cutting*
 Employs—40; Estab.—1986
 Sales—\$10Mil-\$15Mil
 175,000 sq ft site, Distrib.—
 Regional
 Privately owned corporation

BITS & BYTE GRAPHICS

4309 E. Highland Dr. (72401)
Phone—(870) 933-0400
 Owner—Alana Singh
 SIC—2752; 2796; 2791; NAICS—
 323122; *Commercial printing, color separations & electronic prepress*
 Employs—4; Estab.—1999
 Sales—under \$500,000
 Distrib.—Regional
 Sole ownership

BRADLEY'S HOME IMPROVEMENT, JIMMY

5721 E. Nettleton Ave. (72404)
 Mail addr: P.O. Box 2504,
 Jonesboro (72402)
Phone—(870) 932-0778
 Fax—(870) 932-2033
 Chrm.—Jimmy Bradley
 Secy-Treas.—Mary Bradley
 Off. Mgr.—Rex Jordan
 SIC—3231; 2394; NAICS—
 327215; *Vinyl storm windows & covers*
 Employs—5; Estab.—1984
 Sales—\$500,000-\$1Mil
 Distrib.—Regional
 Privately owned corporation

BROADAWAY HAM CO.

500 N. Culberhouse St. (72401)
 Mail addr: P.O. Box 938,
 Jonesboro (72403-0938)
Phone—(870) 932-6688
 Fax—(870) 932-6683
 Email—ham-man@sbcglobal.net
 Pres., Plt., Sales & Mktg. Mgr.—
 Bruce Broadaway
 SIC—2013; NAICS—311600; *Ham processing & packing; Brand name—Crowley Ridge*
 Employs—3; Estab.—1985
 Sales—under \$500,000
 5,000 sq ft site, Distrib.—Regional
 Privately owned corporation

BUSCH AGRICULTURAL RESOURCES, INC.

Div. of Anheuser-Busch Cos., Inc.
 3723 County Road 905 (72401-
 0749)
Phone—(870) 932-5484
 Fax—(870) 932-4528
 www.anheuser-busch.com
 Email—info@anheuser-busch.com
 GM—John Hegger
 Matls. & Pur. Mgr.—Jerry Whitten
 SIC—2044; NAICS—311212; *Rice milling*
 Employs—40; Estab.—1876
 Sales—\$25Mil-\$50Mil
 20,000 sq ft site, Distrib.—Intl.
 Publicly owned corporation
 Parent co.—Anheuser-Busch Cos.,
 Inc., St. Louis, MO
 Phone—(314) 577-2000
 See Parent Co. Section for full profile.

BUTTERBALL, LLC

9401 E. Highland Dr. (72401-9157)
Phone—(870) 933-0001
 Fax—(870) 933-0005
 www.butterball.com
 Email—info@butterball.com
 Cont. & Acctg. Mgr.—Ruby Stone
 Hum. Res. Mgr.—Donna Carter
 Hum. Res. Mgr.—April Buchholz
 Utilities Mgr. & Chief Engr.—Brian
 Schreyer
 Cost Accountant—Debbie Swick

SIC—2011; NAICS—311611; *Meat processing; Brand name—Butterball*
 Employs—170; Estab.—1991
 Sales—\$25Mil-\$100Mil
 85,000 sq ft site, Distrib.—National
 Publicly owned corporation
 Parent co.—Butterball, LLC,
 Garner, NC
 Phone—(919) 255-7900
 See Parent Co. Section for full profile.

†C & I ELECTRICAL SUPPLY CORP.

3712 E. Highland Dr., P.O. Box
 2010 (72402)
Phone—(870) 972-1392
 (800) 443-6778
 Fax—(870) 972-0233
 www.c-ielectrical.com
 Email—cni@c-ielectrical.com
 Owner & Pres.—Frank D. Walden
 V-P.—Larry Tolbert
 SIC—5063; *Corporate headquarters & wholesaler of electrical products & supplies & industrial lighting fixtures, including fuse boxes, capacitors & test instruments; Brand name—GE; Cutler-Hammer; Magnatek; Thomas & Betts*
 Employs—13; Estab.—1978
 20,000 sq ft site, Distrib.—National
 Privately owned corporation

C. L. SWANSON CORP.

Div. of CL Swanson Corp.
 2622 Commerce Dr. (72401)
Phone—(870) 935-8287
 Fax—(870) 935-6874
 www.swansons.net
 Email—frmann@swansons.net
 Hum. Res. Mgr.—Lori Dinkel
 Off. Mgr.—Dee Montgomery
 Supervisor—Boyd McMasters
 SIC—3581; NAICS—333311;
Rebuilt vending machines
 Employs—30; Estab.—1945
 Sales—\$2.5Mil-\$5Mil (est)
 Distrib.—Local
 Privately owned corporation
 AKA: Swanson Services
 Parent co.—CL Swanson Corp.,
 Madison, WI
 Phone—(608) 221-7640
 See Parent Co. Section for full profile.

C.W.C MECHANICAL

3112 Orian Dr. (72404)
Phone—(870) 930-9186
 Fax—(870) 910-5572
 Owner & GM—Louise Chavers
 Supt.—Mark Chavers
 SIC—3599; *Welding job shop*
 Employs—10; Estab.—2000
 Varies: 10-25
 Sales—under \$500,000
 Distrib.—Local
 Privately owned corporation

†CACHE BEAUTY SUPPLY, INC.

6103 Highway 1 S. (72404-7634)
Phone—(870) 972-5300
 National—(800) 643-0333
 Fax—(870) 972-9050
 www.cachebeauty.com
 Email—customerservice@
 cachebeauty.com
 Pres.—Joe Dickens
 V-P.—Bill Dickens
 SIC—5122; *Distributor of beauty care products, including face powders & hair colors; Brand name—Therapro; Marvy; Collins; Kayline; Andis; Oster; Wahl; Fermodyl Interactives; Belson; Conair; Hot Tools; Helen of Troy; Body Drench; Pibbs; Jeffco; Belvedere; Marble Products*
 Employs—12; Estab.—1976
 Sales—\$3.2Mil
 12,000 sq ft site, Distrib.—Intl.
 Privately owned corporation

CAMFIL FARR APC

Div. of Camfil Farr, Inc.
 3505 Airport Rd. (72401-4480)
Phone—(870) 933-8048
 National—(800) 479-6801
 Fax—(870) 933-8381
 www.farrapc.com
 Pres.—Lee Morgan
 Cont.—Lisa Redding
 Hum. Res. Mgr.—Sandy Hogan
 IT Mgr.—Kelly Wall
 SIC—3564; 3714; 3743; NAICS—
 333400; *Air filtration systems; Brand name—Gold Series; HemiPleat*
 Employs—125; Estab.—1986
 Sales—\$10Mil-\$25Mil
 225,000 sq ft site, Distrib.—
 National
 Privately owned corporation
 ISO rating—9001
 Parent co.—Camfil Farr, Inc.,
 Riverdale, NJ
 Phone—(973) 616-7300
 See Parent Co. Section for full profile.

†CARDINAL SUPPLIES OF ARKANSAS, INC.

3205 Malibu Dr. (72404)
Phone—(870) 932-4020
 National—(800) 632-0564
 Fax—(870) 972-1559
 Pres.—Jim Shrout
 Br. Mgr.—Ron Keaton
 SIC—5075; *Corporate headquarters & wholesaler of heating & air conditioning equipment & supplies, including pumps, motors & compressors*
 Employs—12; Estab.—1998
 2,000 sq ft site, Distrib.—Local
 Privately owned corporation

†CARTER OF JONESBORO, INC., M. E.

102 S. Church St., P.O. Box 217
 (72403)
Phone—(870) 932-6668
 National—(800) 932-8338
 Fax—(870) 932-9705
 Pres.—Bryan Wagner
 Bookkeeper—Dana Barnhill
 SIC—5148; *Distributor of produce, including potatoes, carrots & tomatoes*
 Employs—20; Estab.—2004
 Sales—\$1Mil-\$2.5Mil
 Distrib.—Local
 Privately owned corporation

CENTURY CABINETS & MILLWORK

3102 Fox Rd., P.O. Box 2086
 (72402-2086)
Phone—(870) 972-0511
 Fax—(870) 972-0511
 Ptnr.—Rita Barr
 Ptnr.—Austin Barr
 SIC—3821; 2431; NAICS—
 339111; *Commercial laboratory cabinets*
 Employs—8; Estab.—1988
 Sales—\$1Mil-\$2.5Mil (est)
 Distrib.—Local
 Privately owned partnership

CIRCLE W TAXIDERMY

1243 C.R. 114 (72404)
Phone—(870) 931-9770
 Owner—Wendell Wilkey
 SIC—2371; 3942; 3111; NAICS—
 339931; *Taxidermy*
 Employs—1
 Sales—under \$500,000 (est)

†CLEAN SOLUTIONS, INC.

232 County Road 702 (72401)
Phone—(870) 935-5003
 Fax—(870) 932-0734
 www.clnss.com
 Pres.—Kevin Brady

SIC—5087; 5169; 5113; *Distributor of janitorial equipment & supplies, including floor cleaning machines, cleaning chemicals, trash liners & paper products*
 Employs—15

COLSON CASTER CORP.

Div. of Colson Assocs., Inc.
 3700 Airport Rd. (72401)
Phone—(870) 932-4501
 National—(800) 643-5515
 Fax—(870) 932-2390
 www.colsoncaster.com
 Email—info1@colsoncaster.com
 Pres.—Don Laux
 V-P., Cont.—Joe Hafner
 Opers. Mgr.—Kevin Osborn
 Mktg. & Prod. Mgr.—Brian Crain
 Pur. Mgr.—John Madden
 Engr. Mgr., Prod.—Charles Harris
 SIC—3429; 3499; *Corporate headquarters & metal fabrication of casters; Brand name—Performa; Colson; Trans-forma; Tech-Lock; ThermoTech; Enforcer*
 Employs—85; Estab.—1885
 Sales—\$25Mil-\$100Mil
 150,000 sq ft site, Distrib.—
 National
 Publicly owned corporation
 ISO rating—9001:2000
 Parent co.—Colson Assocs., Inc.,
 Chicago, IL
 Phone—(312) 980-1100
 See Parent Co. Section for full profile.

COMMERCIAL PRINTING SERVICES

1207 Flint St. (72401)
 Mail addr: P.O. Box 1911,
 Jonesboro (72403)
Phone—(870) 933-0568
 (870) 933-0500
 Fax—(870) 933-2011
 Email—jiffyprintcenter@
 sbcglobal.net
 Pres.—Joel T. Esau
 Admn. Asst.—Sharon Hutton
 SIC—2752; 2791; NAICS—
 323122; *Instant printing & computerized typesetting; Brand name—Jiffy Printing Center*
 Employs—3; Estab.—1991
 Sales—under \$500,000
 3,800 sq ft site, Distrib.—Local
 Privately owned corporation
 DBA: Jiffy Print Center

CONSTRUCTION NETWORK, INC. (H Q)

6009 Dalton Farm Dr., P.O. Box
 1654 (72401)
Phone—(870) 972-5632
 Fax—(870) 935-0043
 www.constructionnetworkinc.com
 CEO—George Stem
 Pres.—Sean Stem
 Bus. Mgr.—Jeff Johnson
 SIC—2431; NAICS—321900;
Corporate headquarters; commercial & residential wooden cabinets
 Employs—5
 Sales—\$500,000-\$1Mil (est)

CONTINENTAL COMPUTER CORP.

3615 Stadium Bnd., P.O. Box
 16522 (72404)
Phone—(870) 932-0081
 National—(800) 874-1413
 Fax—(870) 931-1273
 www.continentalcomputers.com
 Email—sales@
 continentalcomputers.com
 Pres., Cont. & Sales & Mktg.
 Mgr.—Wes Johnson
 Off. Mgr.—Angie Holden

Jonesboro—(cont.)

SIC—7372; *Software development; Brand name—TDAW; TCA; TCMW*
 Employs—35; Estab.—1980
 Sales—\$3Mil
 10,000 sq ft site, Distrib.—Intl.
 Privately owned corporation

CONTINENTAL DIRECTORY CO., INC.

2200 Alexander Dr. (72401)
 Mail addr: P.O. Box 998,
 Jonesboro (72403)
Phone—(870) 933-2072
 Fax—(870) 933-9722
 Pres.—Royal E. Fletcher
 V-P. & Off. Mgr.—Unia D. Williams
 Secy-Treas., Prodn. Mgr.—D. Shea
 Hallett

SIC—2741; *Regional telephone directory publishing*
 Employs—10; Estab.—1986
 Sales—\$500,000-\$1Mil (est)
 Distrib.—Local
 Privately owned corporation

CONTROLTEK, INC.

3106 Orval Orlan Dr., P.O. Box
 17006 (72404)
Phone—(870) 931-7204
 Fax—(870) 931-7206
 www.controltekeng.com
 Email—sales@controltekeng.com
 Pres.—Shannon Steele
 Opers. Mgr.—Mark Johansson
 SIC—3613; NAICS—335313;
Electric control panels
 Employs—10; Estab.—2005
 Sales—\$1Mil-\$2.5Mil (est)
 Distrib.—National
 Privately owned corporation

CRANE COMPOSITES, INC.

8500 C W Post Rd. (72401)
Phone—(870) 933-5300
 National—(800) 435-0080
 Fax—(870) 933-5396
 www.cranecomposites.com
 Email—sales@
 cranecomposites.com
 Plt. Mgr.—Michael Ridge
 Pur. Mgr.—Nicholas Wysocki
 Qual. Control Mgr.—Brian
 Palsgrove
 Buyer—Paula Ford
 SIC—3089; *Glass panels*
 Employs—150; Estab.—1988
 Sales—\$10Mil-\$25Mil
 Distrib.—Local
 Publicly owned corporation
 Parent co.—Crane Composites,
 Inc., Channahon, IL
 Phone—(815) 467-8600
 See Parent Co. Section for full profile.

CREATIVE EDGE

3113 E. Nettleton Ave. (72401)
Phone—(870) 935-6056
 Pres.—Bob Hundley
 Screenprinter—Tyler Watkins
 SIC—2396; 2261; NAICS—
 313311; *T-shirt screen printing*
 Employs—2; Estab.—1986
 Sales—under \$500,000
 Distrib.—Local
 Privately owned corporation

CUSTOM SHEET METAL CO.

Div. of Custom Metals Co.
 5405 Highway 18 E. (72401)
Phone—(870) 972-5961
 Fax—(870) 972-5967
 Email—lauraf@lexicon-inc.com
 GM—Richard Ivy
 Off. Mgr.—Laura Francis
 SIC—3444; *Custom sheet metal fabrication*
 Employs—37; Estab.—1998
 Sales—\$2.5Mil-\$5Mil (est)
 Distrib.—National
 Privately owned corporation

Parent co.—Custom Metals Co.,
 Little Rock, AR
 Phone—(501) 490-4400
 See Parent Co. Section for full profile.

DACUS FENCE CO., INC.

2729 N. Church St. (72401)
Phone—(870) 932-4100
 National—(877) 923-2287
 Fax—(870) 932-4105
 www.dacusfence.com
 Email—frankie@dacusfence.com
 Pres.—Frankie Dacus
 Off. Mgr.—Mary Dacus
 SIC—3446; NAICS—332323; *Iron gates & fencing*
 Employs—20; Estab.—1965
 Sales—\$1Mil-\$5Mil
 Distrib.—Local
 Privately owned sub-S corp.

DEB'S CABINET SHOP

303 S. Holman (72401)
 Mail addr: 294 County Road 763,
 Brookland (72417)
Phone—(870) 935-0193
 Owner—Rick Hathcoat
 SIC—2431; 3083; NAICS—
 326130; *Wooden laminate cabinets*
 Employs—4; Estab.—1988
 Sales—\$500,000-\$1Mil (est)
 Distrib.—Regional
 Sole ownership

DELTA CONSOLIDATED INDUSTRIES, INC.

Div. of Danaher Corp.
 4800 Krueger Dr., P.O. Box 1846
 (72403-1846)
Phone—(870) 935-3711
 National—(800) 643-0084
 Fax—(870) 935-7073
 www.deltastorage.com
 Email—customerservice@
 danahertool.com
 V-P., Opers.—Rex Lane
 Dir., Opers.—Scott Wishart
 Hum. Res. Generalist—Heather
 Parson
 SIC—3499; 3069; 3089;
Aluminum & steel tool boxes
 Employs—300; Estab.—1962
 Sales—\$70Mil
 325,000 sq ft site, Distrib.—Intl.
 Publicly owned corporation
 Parent co.—Danaher Corp.,
 Washington, DC, MD
 Phone—(202) 828-0850
 See Parent Co. Section for full profile.

DESIGN FABRICATORS, INC.

4209 E. Nettleton Ave. (72401-
 5560)
 Mail addr: P.O. Box 2531,
 Jonesboro (72402-2531)
Phone—(870) 932-6072
 Fax—(870) 932-6491
 Pres.—Robert N. Bernhart
 Supervisor—Danny Sanderson
 SIC—2521; 2514; NAICS—
 337211; *Wooden office furniture*
 Employs—3
 Sales—under \$500,000

DORIC OF NORTHEAST ARKANSAS, INC.

5400 S. Caraway Rd. (72404)
 Mail addr: P.O. Box 17154,
 Jonesboro (72403-7154)
Phone—(870) 972-9430
 Fax—(870) 972-6268
 Pres.—David Thompson
 V-P., GM—John Thompson
 Corp. Secy.—Shelby May
 SIC—3272; *Concrete burial vaults*
 Employs—12; Estab.—1982
 Sales—\$500,000-\$1Mil
 Distrib.—Regional
 Privately owned corporation

†ECONOMY AUTO PARTS, INC.

327 County Road 311 (72401)
Phone—(870) 932-3789
 National—(800) 543-5575
 Fax—(870) 932-7658
 www.economyautoparts.net
 Manager—Dennis Lard
 SIC—5015; *Wholesaler of used automotive parts*
 Employs—10; Estab.—1984
 10,000 sq ft site, Distrib.—National
 Privately owned corporation

ELITE GRAPHICS, LLC

1204 Falls St. (72401)
Phone—(870) 935-5364
 Arkansas—(800) 736-9155
 Fax—(870) 935-2519
 www.elitepp.com
 Pres., CFO & Pur. Agt.—Kim
 Edens
 Cred. & Off. Mgr.—Matt Edens
 SIC—2396; 2395; 3993; *Screen printing, embroidery, promotional products & advertising specialties*
 Employs—6; Estab.—1982
 Sales—under \$900,000
 6,000 sq ft site, Distrib.—National
 Limited Liability Company

†ENGINES, INC.

5400 CW Post Rd. (72401)
 Mail addr: P.O. Box 16660,
 Jonesboro (72403)
Phone—(870) 268-3700
 National—(800) 562-8049
 Fax—(870) 268-3750
 www.enginespower.com
 Email—engines@
 enginespower.com
 CEO—Lloyd Wofford
 Pres.—Linda Wofford
 Sales Mgr., Marine & OEM—Gabe
 Tatum
 Sales Mgr., Ag. & Yanmar—
 Donnie Hauge
 Mktg. Mgr.—Tony McCall
 Hum. Res. Mgr.—Sonya Sanders
 SIC—5084; *Distributor of diesel engines; Brand name—John Deere; Yanmar; Scania*
 Employs—50; Estab.—1979
 Sales—\$26Mil-\$50Mil
 117,000 sq ft site, Distrib.—Intl.
 Privately owned sub-S corp.

EROSION TECHNOLOGIES, INC.

3911 Harrisburg Rd. (72404)
Phone—(870) 802-4336
 Fax—(870) 802-4837
 Pres.—Waylan Deen
 SIC—3599; *EDM machining job shop*
 Employs—2; Estab.—1998
 Sales—under \$500,000
 Distrib.—Intl.
 Privately owned corporation

†FASTENAL CO.

5911 E. Highland Dr. (72401)
Phone—(870) 931-5424
 Fax—(870) 931-5425
 www.fastenal.com
 Email—info@fastenal.com
 GM—Todd Thompson
 Dist. Mgr.—Nathan Gibbar
 SIC—5072; 5084; *Wholesaler of fasteners, tools, safety equipment & abrasives*
 Employs—7; Estab.—1967
 Distrib.—Local
 Publicly owned corporation
 Parent co.—Fastenal Co., Winona,
 MN
 Phone—(507) 454-5374
 See Parent Co. Section for full profile.

FEDEX OFFICE & PRINT CENTER

Div. of FedEx Office & Print
 Services, Inc.
 2005 E. Nettleton Ave. (72401)
Phone—(870) 935-8690
 Fax—(870) 931-0520
 www.fedex.com
 Email—usa4801@fedex.com
 Center Mgr.—Amanda Pollard
 Asst. Mgr.—Jeff Weir
 Shpg. Coord.—Brendy Sanders
 SIC—2759; NAICS—323100;
Commercial, instant, offset & color printing
 Employs—8; Estab.—1983
 Sales—\$500,000-\$1Mil
 Distrib.—Intl.
 Publicly owned corporation
 Parent co.—FedEx Office & Print
 Services, Inc., Dallas, TX
 Phone—(214) 550-7000
 See Parent Co. Section for full profile.

FRITO-LAY NORTH AMERICA, INC.

2810 Quality Way (72401)
Phone—(870) 910-3400
 Fax—(870) 910-3495
 www.fritolay.com
 Email—info@fritolay.com
 Hum. Res. Mgr.—Mark Kempa
 Fin. & Plng. Mgr.—Buddy Carroll
 Pers. Mgr.—Charles Jordan
 Pur. Agt.—Kathy Bryan
 SIC—2096; NAICS—311919;
Potato chips & snacks
 Employs—600; Estab.—1998
 Sales—\$10Mil-\$25Mil
 Distrib.—Local
 Publicly owned corporation
 Parent co.—Frito-Lay North
 America, Inc., Plano, TX
 Phone—(972) 334-7000
 See Parent Co. Section for full profile.

GIBSON'S SIGN-MART & ENGRAVING

1021 Neil Dr. (72401)
Phone—(870) 972-8693
 Fax—(870) 935-6537
 www.gibsonssignmart.com
 Email—cgibson@
 gibsonssignmart.com
 Pres. & Fin. Mgr.—Larry Gibson
 Sales Mgr.—Rob Gibson
 Off. Mgr. & Admn.—Connie Gibson
 SIC—3993; 3479; *Interior & exterior signs & engraving*
 Employs—9; Estab.—1992
 Sales—over \$800,000
 7,000 sq ft site, Distrib.—Local
 Privately owned corporation

GILBERT INDUSTRIES, INC.

5611 Krueger Dr. (72401-6818)
Phone—(870) 932-6070
 National—(800) 643-0400
 Fax—(870) 932-5609
 www.gilbertinc.com
 Email—mailbox@gilbertinc.com
 Pres., Mktg. Mgr.—David Gilbert
 Sales Mgr.—Troy McPhail
 SIC—3499; 3993; 3699; *Metal insect traps & exit signs*
 Employs—30; Estab.—1974
 Sales—\$1Mil-\$5Mil
 36,000 sq ft site, Distrib.—Intl.
 Privately owned sub-S corp.

GRAPHIX ADVERTISING

305 W. Parker Rd. (72404)
Phone—(870) 931-3131
 Fax—(870) 972-9988
 www.graphixadvertising.net
 Email—graphixadvertising@
 windstream.net
 Owner—Cynthia J. Schrader
 SIC—3993; *Custom signs*
 Employs—6; Estab.—1996
 Sales—\$500,000-\$1Mil (est)
 Distrib.—Regional
 Sole ownership

GEOGRAPHICAL

Jonesboro—(cont.)**HABASIT AMERICA, INC.**

2501 DuPont Dr. (72401)
Phone—(870) 930-3744
 National—(800) 458-6431
 Fax—(870) 930-3747
 www.habasitus.com
 Email—markblancett@habasitus.com
 Plt. Mgr.—Mark Blancett
 Off. Mgr.—Tam Le
 SIC—3535; NAICS—333922;
Conveyor belts
 Employs—15; Estab.—1907
 Sales—\$75Mil
 16,000 sq ft site, Distrib.—National
 Privately owned corporation
 Parent co.—Habasit America, Inc.,
 Suwanee, GA
 Phone—(678) 288-3600
 See Parent Co. Section for full profile.

†**HEALTHWAY MEDICAL**

Div. of Rotech Healthcare, Inc.
 818 E. Matthews Ave. (72401)
Phone—(870) 931-0707
 National—(800) 522-7116
 Fax—(870) 972-5946
 www.rotech.com
 Email—info@rotech.com
 Br. Mgr.—Jodi Blackford
 Cust. Serv. Rep.—Tonya Simpson
 SIC—5047; *Distributor of durable
 medical equipment*
 Employs—15; Estab.—1997
 Distrib.—National
 Publicly owned corporation
 Parent co.—Rotech Healthcare,
 Inc., Orlando, FL
 Phone—(407) 822-4600
 See Parent Co. Section for full profile.

HEDGER AGGREGATE

Div. of Hedger Bros., Inc.
 4928 Highway 141 N. (72401)
 Mail addr: 100 S. Patrick St.,
 Jonesboro (72401)
Phone—(870) 933-9050
 Fax—(870) 972-9605
 GM—David Riddle
 Off. Mgr.—Babra Cooksey
 SIC—3272; *Concrete & masonry
 sand, rock & pea gravel*
 Employs—5; Estab.—1997
 Sales—\$500,000-\$1Mil (est)
 Distrib.—Local
 Privately owned corporation
 Parent co.—Hedger Bros., Inc.,
 Jonesboro, AR
 Phone—(870) 932-4881
 See Parent Co. Section for full profile.

**HEDGER BROS. READY-MIX, INC.,
 PRECAST DIV.**

Div. of Hedger Bros., Inc.
 309 N. Culberhouse St. (72401)
Phone—(870) 935-6192
 Fax—(870) 268-0506
 Manager—Lloyd McIntire
 SIC—3272; *Precast concrete &
 septic tanks & storm cellars*
 Employs—5; Estab.—1946
 Sales—\$500,000-\$1Mil (est)
 Distrib.—Regional
 Privately owned corporation
 Parent co.—Hedger Bros., Inc.,
 Jonesboro, AR
 Phone—(870) 932-4881
 See Parent Co. Section for full profile.

HEDGER BROS., INC.

100 S. Patrick St. (72401-3052)
Phone—(870) 932-4881
 Fax—(870) 932-0566
 Chrm., Pres., CEO & CFO—Leon
 Hedger
 Secy-Treas.—Ronnie Hedger
 MIS & Off. Mgr.—Martha Gammon

SIC—3273; NAICS—327320;
*Corporate headquarters & ready-
 mixed concrete*
 Employs—26; Estab.—1946
 Sales—\$6Mil
 14,000 sq ft site, Distrib.—
 Regional
 Privately owned corporation

**HOME ICE AND COLD STORAGE,
 INC.**

700 Cate St. (72401)
 Mail addr: P.O. Box 9285,
 Jonesboro (72403-9285)
Phone—(870) 935-5555
 (870) 935-5556
 Fax—(870) 935-6588
 Pres.—Sam Rosse
 GM—Teresa Rosse
 SIC—2097; 2813; NAICS—
 312113; *Bagged, block & dry ice*
 Employs—6; Estab.—1926
 Sales—\$5Mil-\$10Mil
 Distrib.—Local
 Privately owned corporation

†**HUMMELSTEIN IRON & METAL, LLC**

Div. of Tenenbaum Recycling
 Group, LLC
 105 Flint St. (72401)
 Mail addr: P.O. Box 1580,
 Jonesboro (72403)
Phone—(870) 932-8361
 National—(800) 382-3060
 Fax—(870) 935-4044
 www.trg.net
 Email—admin@trg.net
 GM—Adam Rauth
 SIC—5093; *Wholesaler of
 industrial & commercial recycled
 paper & plastic & metal scrap
 materials*
 Employs—30; Estab.—1907
 Sales—\$10Mil
 Distrib.—Local
 Privately owned corporation
 Parent co.—Tenenbaum Recycling
 Group, LLC, North Little Rock,
 AR
 Phone—(501) 945-0881
 See Parent Co. Section for full profile.

HYTROL CONVEYOR CO., INC.

2020 Hytrol St. (72401)
Phone—(870) 935-3700
 Fax—(800) 852-3233
 www.hytrol.com
 Email—info@hytrol.com
 Chrm. of the Board—Robert Jones
 Pres.—Greg Goodner
 CFO—Sherry Stringer
 V-P., Bus. Ops.—Robert West
 Mktg. Mgr.—Phillip Poston
 Admn. Mgr.—Debra Lewis
 SIC—3535; NAICS—333922;
Conveyors
 Employs—500; Estab.—1974
 Sales—\$25Mil-\$100Mil
 650,000 sq ft site, Distrib.—Int'l.
 Privately owned corporation

INGELS, INC.

104 Best Industrial Dr. (72401)
 Mail addr: P.O. Box 600,
 Jonesboro (72403-0600)
Phone—(870) 935-9977
 Fax—(870) 931-3903
 Email—ingels@riternet.com
 Pres., Pur., R & D, Sales & Mktg.
 Mgr.—Marlin R. Thyer
 CEO—Marlin Thyer
 GM—Joe Rodriguez
 MIS Mgr.—Julia J. Thyer
 Fin. Mgr.—Joe Rodriguez
 SIC—2851; NAICS—325510;
*Paints & coatings; Brand
 name—Magicote*
 Employs—5; Estab.—1947
 Sales—\$500,000-\$1Mil
 22,000 sq ft site, Distrib.—National
 Privately owned corporation

NEW ENTRY**INTERNATIONAL SILICA
 TECHNOLOGY, LLC**

3312 Windover Garden Cir.
 (72401)
Phone—(870) 972-6554
 Fax—(870) 932-2558
 www.istsilica.com
 Pres. & Chief Exec.—Randall
 Powell
 CTO—Larry Shipley
 SIC—2819; *Amorphous silica*
 Employs—10
 Sales—\$2.5Mil-\$5Mil (est)
 Limited Liability Company

ITNOLAP PALLET & CRATING, LLC

100 Best Industrial Dr. (72401)
Phone—(870) 933-6300
 Fax—(870) 931-7122
 www.itnolap.com
 Email—sales@itnolap.com
 Chrm.—Grady Hensley
 Pres.—Bill Clark
 GM—Silas Orbison
 Off. Mgr.—Ginger Horton
 SIC—2448; 2499; 2449; NAICS—
 321920; *New & recycled
 wooden pallets & crates*
 Employs—20; Estab.—2005
 Sales—\$1Mil-\$5Mil
 30,000 sq ft site, Distrib.—
 Regional
 Limited Liability Company

**JAMES SIGN SERVICE JONESBORO,
 INC.**

2707 Casey Springs Rd. (72404)
 Mail addr: P.O. Box 375,
 Jonesboro (72403)
Phone—(870) 935-8211
 National—(800) 398-8211
 Fax—(870) 935-8554
 Email—jackie@jamesign.com
 Pres., CEO—Jackie James
 V-P.—Linda James
 Off. Mgr.—Kerri Layne
 SIC—3993; *Electric signs*
 Employs—3; Estab.—1951
 Sales—under \$500,000
 5,000 sq ft site, Distrib.—Regional
 Privately owned corporation

†**JMS METAL SERVICES, INC.**

2801 Commerce Dr., P.O. Box
 19248 (72402)
Phone—(870) 972-5802
 National—(800) 283-2965
 Fax—(870) 972-1167
 www.jmsmetal.com
 Email—salesar@jmsmetal.com
 GM—Jerome Smith
 SIC—5051; *Distributor of metal
 products*
 Employs—40
 Distrib.—Regional
 Privately owned corporation

†**JONESBORO BEARING & SUPPLY**

Div. of Motion Industries, Inc.
 2201 Industrial Dr. (72401)
 Mail addr: P.O. Box 6020,
 Jonesboro (72403)
Phone—(870) 932-6803
 Fax—(870) 972-6761
 www.motionindustries.com
 Email—david.gilbert@
 motionindustries.com
 Br. Mgr.—David Gilbert
 Off. Mgr.—Allen Bostick

SIC—5085; *Distributor of
 industrial maintenance, repair &
 operation replacement parts,
 including bearings, power
 transmission, electrical &
 industrial automation, hose,
 hydraulic, pneumatic & industrial
 supply products & material
 handling; Brand name—Baldor;
 Boston Gear; Browning; Char-
 Lynn; Danaher Motion; Dodge;
 Eaton; INA/FAG; Falk;
 Formsprag; Gates; Kaydon; Kop-
 Flex; Martin Sprocket; Morse;
 NSK; RBC; Rexnord;
 SealMaster; SKF; SMC; TB
 Woodis; Thomson*
 Employs—25
 Privately owned corporation
 Parent co.—Motion Industries,
 Inc., Birmingham, AL
 Phone—(205) 956-1122
 See Parent Co. Section for full profile.

**JONESBORO HYDRAULIC HOSE
 SUPPLY**

4910 E. Highland Dr. (72401-6610)
Phone—(870) 931-4848
 Fax—(870) 931-6933
 Pres.—Bob Gillam
 Mechanic—Zach Gillam
 SIC—3492; NAICS—332912;
Rebuilt industrial hydraulic hoses
 Employs—2; Estab.—1995
 Sales—under \$500,000
 Distrib.—Local
 Privately owned corporation

JONESBORO MFG., LLC

4900 Krueger Dr. (72401)
 Mail addr: P.O. Box 2608,
 Jonesboro (72402)
Phone—(870) 972-0190
 Fax—(870) 972-4741
 www.jonesboromfg.com
 Email—jmc@jonesboromfg.com
 Pres., GM, Sales & Mktg. Mgr.—
 Larry Brimhall
 Sales Mgr.—Frank Mote
 Pur. Mgr.—Donna Blasingame
 Bookkeeper—Linda Louis
 SIC—3469; *Metal stamping of
 valve control handles & tool
 boxes*
 Employs—29; Estab.—1976
 Sales—\$1Mil-\$5Mil
 20,000 sq ft site, Distrib.—
 Regional
 Limited Liability Company

JONESBORO TOOL & DIE CO.

2620 Commerce Dr. (72401)
 Mail addr: P.O. Box 2946,
 Jonesboro (72402)
Phone—(870) 935-9922
 Fax—(870) 932-1807
 Email—jtdwire@bscn.com
 Pres., Fin., MIS & R & D Mgr.—
 Shannon Lenderman
 Corp. Secy.—Rhonda McDaniel
 Qual. Assur. Mgr.—Blondan
 Barrett
 SIC—3544; NAICS—333500; *Tool
 & die job shop*
 Employs—35; Estab.—1973
 Sales—\$1Mil-\$1.5Mil
 17,500 sq ft site, Distrib.—Regional
 Privately owned corporation

†**KENNEY MFG. CO.**

5111 Krueger Dr. (72401-6719)
Phone—(870) 933-2046
 National—(800) 753-6639
 Fax—(870) 933-8665
 www.kenney.com
 Br. Mgr.—Doug Rupard
 Off. Supv.—Donna Jones
 SIC—5023; *Distributor of mini
 blinds*
 Employs—25
 Sales—\$1Mil-\$5Mil

Jonesboro—(cont.)

Parent co.—Kenney Mfg. Co.,
Warwick, RI
Phone—(401) 739-2200
See Parent Co. Section for full profile.

KROETER, INC.

5801 Kruger Dr. (72401)
Phone—(870) 972-6965
Fax—(870) 802-2442
Pres.—David Kroeter
SIC—3543; NAICS—332997;
Wooden, plastic & metal patterns
Employs—3; Estab.—1890
Sales—under \$500,000
Distrib.—Local
Privately owned corporation

LMI SAFETY

5805 Krueger Dr. (72401)
Mail addr: P.O. Box 17360,
Jonesboro (72403)
Phone—(870) 910-6607
National—(866) 298-6941
Fax—(866) 708-6649
Email—cbdozier1@hotmail.com
Pres.—Claris Dozier
Lab Mgr.—Frank Trusty
SIC—3851; NAICS—339100;
Industrial & prescription safety eyewear
Employs—7; Estab.—1975
Sales—\$500,000-\$1Mil
2,000 sq ft site, Distrib.—National
Privately owned corporation
AKA: Meridian Optical

LONE WOLF CUSTOMS

3105 Colony Dr. (72404)
Phone—(870) 935-0884
Fax—(870) 935-0884
www.lwcustoms.com
Email—lwcustoms@sbcglobal.net
Owner—Stephen Watkins
GM—Terrel Watkins
Accountant—Carolyn Watkins
SIC—3751; NAICS—336991;
Custom motorcycles, including painting, airbrushing & pinstripping; Brand name—Lone Wolf Motorcycles
Employs—4; Estab.—1981
Sales—\$1Mil-\$2.5Mil
Distrib.—Intl.
Limited Liability Company

LYNN'S WELDING

812 Burke Ave. (72401)
Phone—(870) 972-8177
Owner—John Lynn
SIC—3599; 3523; *Welding job shop & rebuilt farm equipment*
Employs—1; Estab.—1988
Sales—under \$500,000
Distrib.—Local
Sole ownership

LYONS ENGRAVING, JIM

2606 E. Nettleton Ave. (72401)
Phone—(870) 935-9462
Fax—(870) 935-9405
Email—lyons2606@riternet.com
Owner & Fin. Mgr.—Donald M. Bailey
SIC—3479; 3993; *Engraving, interior signs, awards, engravable gifts & custom framing*
Employs—1; Estab.—1973
Sales—under \$500,000
1,600 sq ft site, Distrib.—Regional
Sole ownership

MAIL ROOM, THE

2704 S. Culberhouse St. (72401)
Phone—(870) 932-4141
Email—themailroom.ar@gmail.com
Pres.—Rebecca Partain

SIC—2759; NAICS—323100;
Commercial printing & bulk mailing & shipping services
Employs—5; Estab.—1997
Sales—under \$500,000
Distrib.—Regional
Privately owned corporation

MAJESTIC CAR FRAGRANCE, LLC

5301 Stadium Blvd. (72404)
Phone—(870) 935-1669
National—(800) 952-5223
Fax—(870) 935-6683
Pres.—Robert Jones
SIC—2842; NAICS—325998; *Car fragrances*
Employs—1; Estab.—1991
Sales—\$500,000-\$1Mil
4,800 sq ft site, Distrib.—Intl.
Privately owned corporation

MAJESTIC METALS, INC.

110 Walnut St., P.O. Box 993
(72403)
Phone—(870) 935-5948
Fax—(870) 935-8153
Pres., Engrg. & Fin. Mgr.—Jeffrey Koontz
Hum. Res. & Oper. Mgr.—Carol Koontz
SIC—3648; 3469; NAICS—335129; *Lighting fixtures & metal stamping*
Employs—4; Estab.—1972
Sales—\$1Mil-\$5Mil
20,000 sq ft site, Distrib.—Local
Privately owned corporation

MASTER PRINT GROUP

5115 E. Highland Dr. (72401)
Mail addr: P.O. Box 16417,
Jonesboro (72403-1264)
Phone—(870) 932-4491
(870) 931-6200
National—(888) 881-9921
Fax—(870) 932-8080
www.masterprintgroup.com
Email—lookgood@masterprintgroup.com
Pres.—Jon Wilbanks
V-P., Sales & Mktg. Mgr.—Susan Ishmael
Dir., Oper. —Eddie Wilbanks
Fin. Mgr.—Mary Ellen Wilbanks
SIC—2752; 2759; NAICS—323100; *Commercial, variable data & digital printing & graphic design of statements & mailing lists, including mail fulfillment & bulk mail services*
Employs—30; Estab.—1968
Sales—\$1Mil-\$5Mil
24,000 sq ft site, Distrib.—National
Privately owned corporation

MCGREGOR'S COPIES PLUS

2020 E. Johnson Ave. (72401)
Phone—(870) 935-6074
Fax—(870) 935-6095
Ptnr.—J. D. McGregor
Ptnr.—Carolyn McGregor
SIC—2752; NAICS—323100;
Instant printing
Employs—3; Estab.—1994
Sales—under \$500,000 (est)
Distrib.—Local
Privately owned partnership

MEDICAL NECESSITIES, INC.

2000 E. Matthews Ave., Ste. A
(72401)
Phone—(870) 935-4825
Fax—(870) 935-5744
www.mednec.net
Pres.—Joe Simpson
SIC—5047; 5169; *Distributor of durable medical equipment & supplies, including wheelchairs & oxygen cylinders*
Employs—60; Estab.—1998
Distrib.—Local
Privately owned corporation

MICRO WIRE FORMS, INC.

2500 Commerce Dr., Ste. H
(72401)
Phone—(870) 932-2255
Fax—(870) 932-2151
www.microwireforms.com
Email—sales@microwireforms.com
Pres.—Terry Elliott
SIC—3496; *Iron nickel alloy electronic wire & glass hermetic sealing pins & stainless steel & aluminum hydraulic fitting retainer lockwires for the connector, hermetic seal, transistor, relay & hydraulics industries*
Employs—2; Estab.—1962
Sales—\$500,000-\$1Mil
3,000 sq ft site, Distrib.—National
Privately owned corporation

MID-AMERICA MFG. CORP.

3907 Harrisburg Rd., P.O. Box
2278 (72402-2278)
Phone—(870) 972-8080
National—(800) 972-8090
Fax—(870) 932-0291
www.maculvert.com
Email—mamco@maculvert.com
Pres.—John Craft
Sales Mgr.—Darin Glenn
Engr. Mgr.—Mike Atkinson
Shpg. Mgr.—Belinda Kennet
SIC—3559; *Concrete pipe-making equipment, wire-mesh rollers & benders*
Employs—40; Estab.—1980
Sales—\$1Mil-\$5Mil
30,000 sq ft site, Distrib.—National
Privately owned corporation

MID-SOUTH AUTO PARTS

904 S. Gee St. (72401)
Phone—(870) 935-5424
Owner—Danny Liles
Manager—Dana Hewitt
SIC—5013; *Wholesaler of automotive parts, including pumps, valves & cylinders*
Employs—2; Estab.—1994
Sales—under \$500,000
Distrib.—Local
Sole ownership

MID-SOUTH PLUMBING & ELECTRICAL SUPPLY CO., INC.

2600 E. Highland Dr. (72401)
Phone—(870) 932-8329
(870) 932-4591
National—(800) 932-4591
Fax—(870) 933-8435
www.midsouthplumbingandelectric.com
Email—management@midsouthplumbingandelectric.com
Ptnr.—Sonny Hunt
Ptnr.—Warren Coots
Sales Mgr.—Terry Gould
Br. Mgr.—Donnie Johnson
Pur. Mgr.—Mark Brinkley
Bookkeeping Mgr.—Tina Hipp
SIC—5063; 5074; *Distributor of plumbing & electrical equipment & supplies*
Employs—20; Estab.—1949
Distrib.—Local
Privately owned corporation

MIDSOUTH TACKLE

128 County Road 108 (72404)
Phone—(870) 935-4914
National—(888) 935-0189
Fax—(870) 935-4914
www.midsouthtackle.com
Email—tackle@bscn.com
Ptnr. & GM—Phyllis Hudson
Ptnr., Engrg. & Oper. Mgr.—Doyle Hudson
Plt. Mgr.—Roger Hudson

SIC—3949; NAICS—339920;
Fishing poles & lures; Brand name—Super Jigs; Super Jig Classic; Original Salty Megatube
Employs—8; Estab.—1980
Sales—\$500,000-\$1Mil
3,500 sq ft site, Distrib.—National
Privately owned corporation

MORSE CO., INC., THE

215 N. Culberhouse St. (72401)
Mail addr: P.O. Box 5000,
Jonesboro (72403-5000)
Phone—(870) 932-1562
National—(888) 223-6693
Fax—(870) 932-1114
Email—fasweet@morsecompany.com
Pres.—Jake Morse
V-P.—June Morse
Off. Mgr.—Melissa Dailey
SIC—2087; 2086; NAICS—311900; *Liquid sweeteners & custom labeled bottled water; Brand name—Fasweet; Aqua Clear*
Employs—4; Estab.—1996
Sales—\$500,000-\$1Mil
Distrib.—National
Sole ownership

MR. TROPHY & ENGRAVING

3514 E. Nettleton Ave. (72401)
Phone—(870) 972-6832
Fax—(870) 931-0739
Email—mrtrophy1@yahoo.com
Owner—Larry Brantley
SIC—3479; *Award & trophy engraving*
Employs—2; Estab.—1978
Sales—under \$500,000
Distrib.—Local
Sole ownership

MTS/JGS INDUSERVE SUPPLY

Highway 49 N. 5461, P.O. Box
2217 (72402)
Phone—(870) 935-5703
National—(800) 794-5321
Fax—(870) 935-7529
www.mtsjgs.com
Email—gholland@mtsjgs.com
Pres.—Gary Holland
V-P.—Charles Onstead
SIC—5084; *Distributor of industrial jig, die & steel rule die tools*
Employs—14; Estab.—1986
Sales—\$4Mil
8,500 sq ft site, Distrib.—Regional
Privately owned sub-S corp.

N E A TROPHIES CO.

2617 E. Nettleton Ave. (72401)
Phone—(870) 931-4661
Fax—(870) 931-1141
Owner—Robert Collier
Off. Mgr.—Nancy Nicholson
SIC—3499; *Trophies & awards*
Employs—3; Estab.—1971
Sales—under \$500,000 (est)
Distrib.—Regional
Privately owned corporation

N.E.A OPTICAL

1426 E. Washington Ave. (72401)
Mail addr: P.O. Box 7506,
Jonesboro (72403-7506)
Phone—(870) 935-2179
National—(800) 535-7774
Fax—(870) 935-7356
www.neaoptical.com
Pres.—Jim Evans
GM—Dudley Owens
Cust. Serv. Rep.—Jennifer Gann
SIC—3851; NAICS—339100;
Optical lenses
Employs—24; Estab.—1986
Sales—\$3.5Mil
5,000 sq ft site, Distrib.—Regional
Limited Liability Company

GEOGRAPHICAL

Jonesboro—(cont.)**NEAT PRESS WORKS**

5408 Vance Dr. (72401)
Mail addr: P.O. Box 2021,
Jonesboro (72402)
Phone—(870) 932-5869
Fax—(870) 931-6889
www.neatpressworks.com
Email—info@neatpressworks.com
Owner, Pur., Sales & Mktg. Mgr.—
Vaughn Wisdom
Secy., GM & Off. Mgr.—Ellen
Dickey Wisdom
SIC—3499; *Metal parts*
Employs—5; Estab.—1989
Sales—\$500,000-\$1Mil
21,000 sq ft site, Distrib.—Local
Privately owned corporation

NELSON PRINTING & LABEL

2602 E. Matthews Ave. (72401)
Phone—(870) 932-9770
Fax—(870) 932-1116
www.nelsonprinting.com
Pres., Off. Mgr.—Bob Nelson
Sales Mgr.—Carolyn Nelson
Sales Mgr.—Nancy Johnson
IT Mgr.—Matt Nelson
SIC—2759; 2752; 2672; NAICS—
322222; *Labels & commercial &
offset printing*
Employs—12; Estab.—1981
Sales—\$2Mil-\$3Mil
11,000 sq ft site, Distrib.—Regional
Privately owned corporation

NETTLETON CONCRETE, INC.

2318 Moore Rd. (72401)
Mail addr: P.O. Box 2157,
Jonesboro (72402)
Phone—(870) 932-4400
National—(800) 382-2462
Fax—(870) 932-4079
www.nettletons.com
Email—sales@nettletons.com
Pres., Engrg. & Opers. Mgr.—G.
Dwayne Winters
Hum. Res. Mgr.—Holly
Buttmester
Fin. Mgr.—Karen Winters
SIC—3273; NAICS—327320;
*Corporate headquarters & ready-
mixed concrete & concrete
blocks*
Employs—26; Estab.—1947
Sales—\$8Mil
Distrib.—Regional
Privately owned sub-S corp.

**NETTLETON CONCRETE, INC., 67
READY MIX DIV.**

Div. of Nettleton Concrete, Inc.
2310 Moore Rd. (72401)
Mail addr: P.O. Box 2157,
Jonesboro (72402)
Phone—(870) 886-3300
National—(800) 382-2462
Fax—(870) 932-4079
www.nettletons.com
Off. Mgr.—Dale Adams
SIC—3273; NAICS—327320;
Ready-mixed concrete
Employs—10; Estab.—1996
Sales—under \$500,000
Distrib.—Regional
Privately owned sub-S corp.
Parent co.—Nettleton Concrete,
Inc., Jonesboro, AR
Phone—(870) 932-4400
See Parent Co. Section for full profile.

NORRIS SIGNS & GRAPHICS

1000 S. Caraway Rd., Ste. 104
(72401)
Phone—(870) 926-7170
Fax—(870) 933-8161
Email—norrissigns@yahoo.com
Owner—Harold Norris

SIC—3993; *Vinyl signs for stores*
Employs—1; Estab.—2003
Sales—under \$500,000 (est)
Distrib.—Regional
Sole ownership

OPTUS, INC.

3423 One Pl., P.O. Box 2503
(72404)
Phone—(870) 974-7700
National—(800) 628-7491
Fax—(870) 974-7770
www.optusinc.com
Pres.—Mark Duckworth
CFO—Eva Duckworth
COO—David Sluder
Plt. Mgr.—Pat Bohrman
Hum. Res. Mgr.—Lori Smith
Accountant—Shannon Bradley
SIC—3661; *New & rebuilt
telephone systems*
Employs—85; Estab.—1991
Sales—over \$30Mil
45,000 sq ft site, Distrib.—National
Privately owned corporation
ISO rating—9002

PASMORE PRINTING

2900 E. Matthews Ave. (72401)
Phone—(870) 932-6529
National—(888) 781-1589
Fax—(870) 931-6529
www.pasmoreprinting.com
Email—lisa@pasmoreprinting.com
Owner—Lisa Harrell
SIC—2759; NAICS—323100;
Commercial printing
Employs—2; Estab.—1957
Sales—under \$500,000
2,000 sq ft site, Distrib.—Regional
Sole ownership

PEARCY SIGNS, VINCE

530 Jefferson (72401)
Phone—(870) 931-0561
Pres.—Vince Percy
SIC—3993; NAICS—332813;
*Hand-lettered & gold leaf interior
& exterior signs, vinyl lettering &
murals*
Employs—1; Estab.—1985
Sales—under \$500,000 (est)
Distrib.—Regional

**PINK INK SCREEN PRINTING &
DESIGN, INC.**

3339 E. Nettleton Ave. (72401)
Phone—(870) 931-5397
Fax—(870) 931-2099
Email—pinkink@
suddenlinkmail.com
Owner—Michelle Massentill
Manager—Aaron Townsehd
SIC—2396; 2261; NAICS—
313311; *Screen printing*
Employs—4; Estab.—2007
Sales—under \$500,000
Distrib.—Local
Privately owned corporation

PLAYHOUSE U. S. A., INC.

3628 E. Nettleton Ave. (72401-
5527)
Phone—(870) 935-0159
Fax—(870) 935-4651
www.playhouseusa.com
Email—info@playhouseusa.com
CEO & GM—Randy Teitloff
SIC—2519; NAICS—337125;
Adults' & children's round beds
Employs—26; Estab.—1988
Sales—under \$500,000
Distrib.—Intl.
Privately owned corporation

POST FOODS, LLC

Div. of Ralcorp Holdings, Inc.
5800 C W Post Rd. (72401)
Phone—(870) 933-4100
Fax—(870) 933-4190
www.ralcorp.com
Cont.—Keith Thurlo
Plt. Mgr.—Greg Riakhof

SIC—2043; *Cereal*
Employs—200; Estab.—1997
Sales—\$100Mil-\$250Mil (est)
Distrib.—National
Publicly owned corporation
Parent co.—Ralcorp Holdings,
Inc., St. Louis, MO
Phone—(314) 877-7000
See Parent Co. Section for full profile.

NEW ENTRY**PREMIERE BENDING & TOOL, LLC**

195 Greene 706 Rd. (72401)
Phone—(870) 934-8858
Fax—(870) 934-8878
Member—Jimmie Coker
Hum. Res. & IT Mgr.—Regina
Coker
SIC—3542; *Bending machines &
accessories*
Employs—4; Estab.—2006
Sales—\$500,000-\$1Mil (est)
Distrib.—Intl.
Limited Liability Company

PRESCRIPTION LENS, INC.

320 S. Church St. (72401)
Phone—(870) 972-1818
National—(800) 264-1818
Fax—(870) 972-0356
Pres.—Sam Acebo
V-P.—Shirley Acebo
SIC—3851; NAICS—339100;
Eyeglasses
Employs—5; Estab.—1990
Sales—under \$500,000
Distrib.—Regional
Privately owned corporation
DBA: Prescription Lens Masters

PRIDE OF DIXIE SYRUP CO., INC.

217 Co-op Dr., P.O. Box 1117
(72403-1117)
Phone—(870) 935-2252
Fax—(870) 935-9324
Pres.—Troy Coleman
V-P, Pur., R & D, Sales & Mktg.—
David Best
Secy.—Teresa Best
SIC—2062; 2087; NAICS—
311312; *Table syrup; Brand
name—Craft*
Employs—5; Estab.—1927
Sales—under \$500,000
Distrib.—Regional
Privately owned corporation

PRODUCTION MACHINING

1286 Highway 163 (72404-8692)
Phone—(870) 932-3712
Fax—(870) 932-1463
Email—prodmach@suddenlink.net
Owner, Pres., Fin. & MIS Mgr.—
Jackie Brown
SIC—3599; *General machining
job shop*
Employs—2; Estab.—1993
Sales—under \$500,000
2,000 sq ft site, Distrib.—Regional
Privately owned corporation
AKA: Brown's Production
Machining

†PURVIS INDUSTRIES

5911 Dalton Farmer Dr. (72404)
Phone—(870) 933-9933
Fax—(870) 933-9944
www.purvisbearing.com
Email—christopher.langley@
purvisindustries.com
Sales Mgr., Inside—Christopher
Langley
Br. Mgr.—Dereck Turner
Sales Rep.—Jason Lisemby
SIC—5085; *Distributor of ball &
roller bearings for the aggregate,
wooden products & food &
beverage industries*
Employs—5; Estab.—2005
Distrib.—Regional
Privately owned corporation

Parent co.—Purvis Industries,
Dallas, TX
Phone—(214) 358-5588
See Parent Co. Section for full profile.

QUALITY PRECAST CORP.

310 Reeves St. (72401)
Mail addr: P.O. Box 1556,
Jonesboro (72403)
Phone—(870) 974-9977
Fax—(870) 974-9976
Email—jond@qualityprecast-
arkansas.com
GM—Jon DePriest
Hum. Res. Mgr.—Jeff Wuelling
SIC—3272; *Precast architectural
concrete products*
Employs—20; Estab.—1990
Sales—\$1.5Mil-\$2Mil
15,000 sq ft site, Distrib.—National
Privately owned corporation

**RAINBOW EDUCATIONAL
CONCEPTS**

250 County Road 744 (72401)
Phone—(870) 932-1030
Fax—(870) 932-0241
www.rainbowconcepts.com
Email—editor@rainbowcreative.com
Pres.—Jean M. Hayes
CEO—Judy Coffey
SIC—2731; *Textbook publishing*
Employs—8; Estab.—1985
Sales—\$500,000-\$1Mil (est)
Distrib.—Local
Privately owned corporation

RAZORBACK CONCRETE CO.

3001 W. Parker Rd., P.O. Box 7084
(72403)
Phone—(870) 932-4810
Fax—(870) 931-6757
www.razorbackconcrete.com
Email—razorback@
razorbackconcrete.com
GM—Scotty Hickson
Plt. Mgr.—Chris Burgett
SIC—3273; NAICS—327320;
Ready-mixed concrete
Employs—25; Estab.—1994
Sales—\$2.5Mil-\$5Mil (est)
Distrib.—Regional
Privately owned corporation
Parent co.—Razorback Concrete
Co., West Memphis, AR
Phone—(870) 735-9580
See Parent Co. Section for full profile.

RICELAND FOODS, INC.

216 N. Gee St. (72401)
Phone—(870) 932-7433
Fax—(870) 933-1126
www.riceland.com
Email—riceland@riceland.com
V-P, Rice Milling & Engr.—Rick
Rorex
Sales & Mktg. Mgr.—Carl Brothers
Div. Mgr.—Mike Gray
MIS Mgr.—James Jernigan
Pers. Mgr.—Alan Bounds
Pur. Agt.—Jeremy Brooks
SIC—2044; NAICS—311212; *Rice
processing*
Employs—347; Estab.—1921
Sales—over \$100Mil
Distrib.—Intl.
Privately owned corporation
Parent co.—Riceland Foods, Inc.,
Stuttgart, AR
Phone—(870) 673-5500
See Parent Co. Section for full profile.

†RIGGS TRACTOR CO., J. A.

3701 E. Parker Rd. (72401)
Phone—(870) 932-5473
National—(800) 467-4055
Fax—(870) 932-0278
www.jariggs.com
Plt. Mgr.—Bill Estell
Serv. Tech.—Brian Parker

Jonesboro—(cont.)

SIC—5082; *Distributor of heavy-duty construction tractors & parts*
 Employs—20; Estab.—1993
 Distrib.—Local
 Privately owned corporation
 Parent co.—Riggs Tractor Co., J. A., Little Rock, AR
 Phone—(501) 570-3100
 See Parent Co. Section for full profile.

ROBERTSON MFG. & ENGINEERING INTERNATIONAL, INC.

408 W. Jefferson (72401)
 Mail addr: 3209 Springwood Dr., Jonesboro (72404)
Phone—(870) 933-0148
 National—(800) 806-6674
 Fax—(870) 933-0147
 www.filter-mate.com
 Email—customerservice@rabbitair.com
 Pres., CFO—Wayde Robertson
 MIS Mgr.—Jeannette Robertson
 SIC—3564; NAICS—333400;
Industrial, commercial, medical & air purification equipment for removal of airborne dust, smoke, odors, micro-organisms & chemicals; Brand name—Filter-Mate®

Employs—5; Estab.—1986
 Sales—\$500,000-\$1Mil
 7,300 sq ft site, Distrib.—Intl.
 Privately owned corporation

ROGERS CUSTOM MILLWORKS

2840 Highway 349 (72404)
Phone—(870) 933-0057
 Fax—(870) 933-0059
 Email—rcm2840@sbcglobal.net
 Owner—Joe Rogers
 Prod. & Prodn. Mgr.—Henry Rogers

SIC—2431; 2499; NAICS—321900; *Fireplace mantels, wood turnings, plantation shutters, custom trim & millwork*
 Employs—3; Estab.—1986
 Sales—under \$500,000
 Distrib.—Regional
 Sole ownership

SCURLOCK INDUSTRIES OF JONESBORO, INC.

800 W. Johnson Ave. (72401)
 Mail addr: P.O. Box 1500, Jonesboro (72403-1500)
Phone—(870) 935-5913
 National—(800) 242-2516
 Fax—(870) 933-9048
 www.scurlockindustries.com
 Email—dean@s-ind.com
 Pres.—James V. Scurlock
 CFO—Dean Massey
 Dir.—Drew Scurlock
 GM—Ray Herring
 Sales Mgr.—Gary Wehrum
 Off. Mgr.—Vickie Baker
 SIC—3272; *Corporate headquarters & concrete pipe & manholes; Brand name—Hy-Span Bridges*
 Employs—40; Estab.—1953
 Sales—\$1Mil-\$5Mil
 80,000 sq ft site, Distrib.—Regional
 Privately owned corporation

SIGNSYSTEMS, INC.

301 Burke Ave. (72401)
 Mail addr: P.O. Box 6064, Jonesboro (72403-6064)
Phone—(870) 931-1761
 National—(800) 416-4458
 Fax—(870) 931-7920
 www.signsystems1.com
 Email—sales@signsystems1.com
 Pres.—Bill R. Gatlin
 V-P.—Jeremy Gatlin
 V-P.—Dewane Gatlin

SIC—3993; *Illuminated & nonilluminated interior & exterior signs*
 Employs—25; Estab.—1993
 Sales—\$2.5Mil
 14,000 sq ft site, Distrib.—National
 Privately owned corporation

SLICK TRICK

1401 Stone, Ste. K (72401)
Phone—(870) 934-0131
 Fax—(870) 934-0167
 www.slicktrick.net
 Email—sales@slicktrick.net
 Owner & CEO—Gary Cooper
 Manager—Jamie Reed
 SIC—3949; NAICS—339920;
Archery equipment; Brand name—SLICK TRICK
 Employs—2; Estab.—2000
 Sales—under \$500,000
 Distrib.—Intl.
 Sole ownership

SMURFIT-STONE CONTAINER CORP.

2200 Industrial Dr. (72401-6670)
 Mail addr: P.O. Box 2277, Jonesboro (72402-2277)
Phone—(870) 932-9511
 Fax—(870) 935-3357
 www.smurfit.com
 Email—rneedham@smurfit.com
 Plt. Mgr.—Rob Needham
 Bus. Unit Mgr.—Kenny Miller
 Safety Coord.—Dan Lakey
 Cust. Serv. Rep.—Eva Harison
 SIC—2653; *Cardboard boxes*
 Employs—69; Estab.—1960
 Sales—\$10Mil-\$15Mil
 65,884 sq ft site, Distrib.—Regional
 Publicly owned corporation
 ISO rating—9002
 Parent co.—Smurfit-Stone Container Corp., Creve Coeur, MO
 Phone—(314) 656-5300
 See Parent Co. Section for full profile.

SMURFIT-STONE CONTAINER CORP.

3501 Airport Rd. (72401)
Phone—(870) 933-1936
 Fax—(870) 932-0369
 www.smurfit-stone.com
 Email—info@smurfit.com
 Br. Mgr.—Rob Naedham
 SIC—5112; *Distributor of corrugated boxes*
 Employs—5; Estab.—1960
 Distrib.—National
 Publicly owned corporation
 Parent co.—Smurfit-Stone Container Corp., Creve Coeur, MO
 Phone—(314) 656-5300
 See Parent Co. Section for full profile.

SOLUTIONS GROUP, LLC, THE

53 County Road 433 (72404)
Phone—(870) 336-2006
 Fax—(870) 336-2066
 www.thesolutionsgroupllc.com
 Email—info@thesolutionsgroupllc.com
 Pres.—Russ White
 V-P.—Jeremy Robinson
 SIC—2434; 2541; NAICS—337110; *Commercial cabinetry & store fixtures*
 Employs—6; Estab.—2006
 Distrib.—National
 Limited Liability Company

SOUTHERN CAST PRODUCTS, INC.

5701 Krueger Dr. (72401)
Phone—(870) 972-1260
 Fax—(870) 972-1261
 www.southerncast.com
 Email—scpquotes@southerncast.com
 Pres.—Douglas Imrie
 Off. Mgr.—Stacy Walton

SIC—3321; 3365; NAICS—331511; *Ductile, gray iron & aluminum castings*
 Employs—40; Estab.—1976
 Sales—\$1Mil-\$5Mil
 30,000 sq ft site, Distrib.—Regional
 Privately owned corporation

†SOUTHERN MARKETING AFFILIATES

2415 Industrial Dr. (72401)
 Mail addr: P.O. Box 2247, Jonesboro (72402)
Phone—(870) 935-3291
 Fax—(870) 935-5651
 www.smalink.com
 Owner—Bill Hurt
 SIC—5191; *Wholesaler of farm equipment parts*
 Employs—30

SOUTHERN TOOL & DIE, INC.

2802 Commerce Dr. (72401-9180)
Phone—(870) 932-2350
 Fax—(870) 932-4720
 Pres., Sales & Mktg. Mgr.—Lindell Pratt
 Off. & Plt. Mgr.—Phil Cook
 SIC—3544; 3599; NAICS—333500; *Welding & tool & die job shop*
 Employs—8; Estab.—1977
 Sales—under \$900,000
 6,500 sq ft site, Distrib.—Local
 Privately owned corporation

SOUTHERN VENEER SERVICES/ARKLATEX

406 S. Main St. (72401)
 Mail addr: P.O. Box 9111, Jonesboro (72403)
Phone—(870) 935-6819
 Fax—(870) 935-9629
 Email—arklatexmillservice@prodigy.net
 Co-Pres.—Stan Lamb
 Co-Pres.—Scott Morrison
 SIC—3553; 3554; 3559; NAICS—333210; *Plywood & paper mill machinery*
 Employs—10; Estab.—1997
 Sales—\$500,000-\$1Mil
 5,300 sq ft site, Distrib.—National
 Privately owned corporation

†SPECIALTY MACHINERY, INC.

1905 Amanda (72401)
Phone—(870) 931-6712
 Fax—(870) 935-2955
 www.emg-sme.com
 Email—info@emg-sme.com
 Pres.—Chris Childers
 Sales & Mktg. Mgr.—Ed Vickery
 SIC—5084; 5045; *Wholesaler of new & used automation equipment, including microscanners, desktop printers & labeling & palletizing equipment*
 Employs—15; Estab.—2007
 Distrib.—National
 Privately owned corporation

†SPECTRA POSITIONING

4701 Southwest Dr. (72404)
Phone—(870) 972-6778
 Fax—(870) 972-8646
 Owner—Tim Johnson
 SIC—5083; *Distributor of agricultural land leveling equipment*
 Employs—7; Estab.—2001
 Distrib.—Regional
 Privately owned corporation

†SPIRIT MFG., INC.

2601 Commerce Dr., P.O. Box 2037 (72402-2037)
Phone—(870) 935-1107
 National—(800) 258-4555
 Fax—(870) 935-7611
 www.spiritreadmill.com
 Email—spirit@spiritfitness.com

Chrm., Pres. & CEO—John Gibbs
 COO, Fin. & Hum. Res. Mgr.—Rhonda Smiley
 Secy-Treas.—Tom Hancock
 Sales Mgr., Inside—Jeremy Parker
 Fin. & MIS Mgr.—Leah Jones
 R & D Mgr.—Jeremy Chuch
 SIC—5099; *Distributor of exercise equipment*
 Employs—25; Estab.—1981
 Sales—\$6Mil-\$10Mil
 110,000 sq ft site, Distrib.—Intl.
 Privately owned corporation

STAINED GLASS CO.

5429 E. Nettleton Ave. (72401)
Phone—(870) 932-5536
 Fax—(870) 932-5536
 Pres.—Julia Lamar
 SIC—3231; NAICS—327215; *Stained & leaded glass windows*
 Employs—2; Estab.—1983
 Sales—under \$500,000
 Distrib.—Regional
 Privately owned corporation

†SUKUP MFG. CO.

5917 E. Johnson Ave. (72401)
Phone—(870) 932-7550
 Fax—(870) 933-8946
 www.sukup.com
 GM—Marsha Bradley
 SIC—5083; *Distributor of grain handling equipment*
 Employs—3; Estab.—1977
 Sales—\$1Mil-\$5Mil
 25,000 sq ft site, Distrib.—Intl.
 Privately owned corporation
 Parent co.—Sukup Mfg. Co., Sheffield, IA
 Phone—(641) 892-4222
 See Parent Co. Section for full profile.

SUN ERGOLINE, INC.

1 Walter Kratz Dr. (72401)
Phone—(870) 935-1130
 National—(888) 771-0996
 Fax—(870) 935-3618
 www.sunergoline.com
 Email—ergoline@sunergoline.com
 CFO—Don Feltham
 Ex. Dir., Sales—Jerry Deveney
 Mktg. Comm. Mgr.—Geoff Mukhtar
 Hum. Res. Mgr.—Sam Brown
 IT Mgr.—Kevin McMasters
 SIC—3648; 3999; NAICS—335129; *Tanning beds & equipment; Brand name—Ergoline; Soltron; Sundash; SunLync*
 Employs—200; Estab.—1979
 135,000 sq ft site, Distrib.—Intl.
 Privately owned corporation

SUN, THE

Div. of Paxton Media Group, LLC
 518 Carson St. (72401)
 Mail addr: P.O. Box 1249, Jonesboro (72403-1249)
Phone—(870) 935-5525
 National—(800) 237-5341
 Fax—(870) 935-5823
 www.jonesborosun.com
 Email—sunop@jonesborosun.com
 Publisher—David Mosesso
 Cont.—Jeremy Erling
 Dir., Adv.—Lisa A. Lynn
 Acct. Mgr.—Cindy Willis
 Prodn. Mgr.—Roger Brumley
 Adv. Mgr.—Patricia Landers
 Classified Mgr.—Kim Duck
 Classified Advisor—Gini Tilley
 SIC—2711; *Newspaper publishing*
 Employs—120; Estab.—1901
 Sales—\$1Mil-\$5Mil
 Distrib.—Regional
 Privately owned corporation
 Parent co.—Paxton Media Group, LLC, Paducah, KY
 Phone—(270) 575-8600
 See Parent Co. Section for full profile.

GEOGRAPHICAL

Jonesboro—(cont.)† **TEC ELECTRIC**

1900 S. Church St. (72401)
Phone—(870) 932-7252
 (800) 685-1309
 Fax—(870) 935-1331
 www.tecelectric.com
 Email—nance@tecelectric.com
 Pres.—Keith Felkins
 Sales Mgr.—Jonathin Nance
 SIC—5063; *Distributor of electrical supplies, including wire & lighting fixtures*
 Employs—12; Estab.—1978
 Distrib.—Regional
 Privately owned corporation

THOMAS & BETTS CORP.

5601 E. Highland Dr. (72401)
Phone—(870) 935-2559
 National—(800) 888-0211
 Fax—(870) 935-8326
 www.tnb.com
 Email—sales@tnb.com
 Comp.—Bill Novitsky
 Plt. Mgr.—Dan Seidel
 Hum. Res. Mgr.—John Shatzer
 Bus. Unit Mgr., Ocal—Kevin Ponds
 Matis. Mgr.—Russell Skinner
 Gen. Accountant—Kim Taylor
 SIC—3644; 3678; NAICS—334417; *Electrical conduit fittings & connectors; Brand name—Ocal Shamrock*
 Employs—450; Estab.—1995
 Sales—\$25Mil-\$100Mil
 250,000 sq ft site, Distrib.—Intl.
 Publicly owned corporation
 ISO rating—9002
 Parent co.—Thomas & Betts Corp., Memphis, TN
 Phone—(901) 252-5000
 See Parent Co. Section for full profile.

TINSLEY SAWMILL

2090 County Road 766 (72401)
Phone—(870) 932-7310
 Fax—(870) 932-7310
 Owner, Sales & Mktg. Mgr.—Herman A. Tinsley
 SIC—2421; *Lumber processing*
 Employs—1; Estab.—1951
 Sales—under \$500,000
 Distrib.—Local
 Sole ownership

TRICO INDUSTRIAL MACHINE WORKS, INC.

P.O. Box 2026 (72402-2026)
Phone—(870) 217-2135
 Email—trico.h20@yahoo.com
 GM—Taree Payton
 SIC—3599; *General machining job shop*
 Employs—3; Estab.—1995
 Sales—under \$500,000 (est)
 Distrib.—Regional

TRINITY LIGHTING, INC.

2902 Quality Way (72401)
 Mail addr: P.O. Box 2498, Jonesboro (72402)
Phone—(870) 972-1177
 Fax—(870) 972-6381
 www.trinitylighting.com
 Email—lights@trinitylighting.com
 Pres.—Doug Falls
 CFO—Terry Roberts
 MIS Mgr.—Derek Falls
 SIC—3646; NAICS—335122; *Hotel lighting fixtures*
 Employs—40
 Sales—\$10Mil-\$15Mil
 100,000 sq ft site, Distrib.—Intl.
 Privately owned sub-S corp.

TRI-STATE ALUMINUM WINDOWS & DOORS

5621 E. Nettleton Ave. (72401)
Phone—(870) 935-7333
 Fax—(870) 935-7336

Pres., Pers. Mgr.—Rosemary Miller
 Corp. Secy.—Regina Heatherly
 Sales Mgr.—Donald Gray
 SIC—3442; NAICS—332321; *Aluminum windows & carport covers*
 Employs—3; Estab.—1972
 Sales—under \$500,000
 5,400 sq ft site, Distrib.—Local
 Privately owned corporation

† **TRI-STATE ARMATURE & ELECTRICAL WORKS, INC.**

4712 E. Highland Dr. (72401)
Phone—(870) 935-9362
 Fax—(870) 935-2000
 www.tristatearmature.com
 Br. Mgr.—Tim Houston
 SIC—5063; *Distributor of electrical supplies & motors*
 Employs—15; Estab.—1996
 Distrib.—National
 Privately owned corporation
 Parent co.—Tri-State Armature & Electrical Works, Inc., Memphis, TN
 Phone—(901) 527-8412
 See Parent Co. Section for full profile.

WATSON ICE

512 N. Culberhouse St. (72401)
 Mail addr: P.O. Box 621, Jonesboro (72403)
Phone—(870) 932-3366
 Owner—Harold Watson
 Asst. Mgr.—Harold Watson III
 SIC—2097; NAICS—312113; *Bagged ice*
 Employs—2; Estab.—1995
 Sales—\$1Mil-\$2.5Mil (est)
 Distrib.—Local
 Sole ownership

† **WESCO DISTRIBUTION, INC.**

2500 Commerce Dr., Ste. A (72401)
Phone—(870) 931-7212
 Fax—(870) 931-7224
 www.wesco.com
 Email—sales@wesco.com
 Sales Rep., Outside—Kevin Rowe
 Sales Coord., Inside—Colleen Hogan
 SIC—5063; *Distributor of electrical equipment & supplies, including transformers, switches, controls, wire & cable*
 Employs—2; Estab.—2002
 Distrib.—Regional
 Publicly owned corporation
 Parent co.—WESCO Distribution, Inc., Pittsburgh, PA
 Phone—(412) 454-2200
 See Parent Co. Section for full profile.

NEW ENTRY**WINDMILL RICE CO., LLC**

6875 Highway 1 S. (72404)
Phone—(870) 932-0096
 Fax—(870) 336-2254
 www.windmillrice.com
 Pres.—David Smith
 Dir., Mktg.—Will Floyd
 Opers. Mgr.—Keith Lambert
 SIC—2044; *Rice milling*
 Employs—50
 Sales—\$25Mil-\$50Mil (est)
 Limited Liability Company

WORLD COLOR PRESS, INC.

4708 Krueger Dr. (72401-6713)
Phone—(870) 935-7000
 Fax—(870) 333-2029
 www.worldcolor.com
 Email—mike.dehart@worldcolor.com
 Plt. Mgr.—Mike DeHart
 Pers. Mgr.—Charlie Kratts

SIC—2721; 2789; NAICS—323121; *Catalog & magazine printing & binding*
 Employs—700; Estab.—1972
 Sales—\$25Mil-\$100Mil
 400,000 sq ft site, Distrib.—National
 Publicly owned corporation
 DBA: Worldcolor Jonesboro
 Parent co.—World Color Press, Inc.
 Phone—(514) 954-0101
 See Parent Co. Section for full profile.

YATES & ASSOCS., DAVID A.

820 Professional Acres Blvd. (72401)
 Mail addr: P.O. Box 9303, Jonesboro (72403)
Phone—(870) 932-6436
 National—(800) 232-6436
 Fax—(870) 932-3934
 www.jpo-online.com
 Pres.—Rob Yates
 Dir., Adm. & Fin.—Joe Rugger
 Patient Coord.—Misty Chastain
 SIC—3842; *Orthopedic artificial limbs & braces*
 Employs—11; Estab.—1986
 Distrib.—Regional
 Privately owned corporation
 AKA: Jonesboro Prosthetics & Orthotics

Judsonia

(White—N.E.—Pop. 1,982)

AMERICAN BRONZE CRAFT, INC.

1211 N. 1st St. (72081)
Phone—(501) 729-3018
 National—(877) 790-0001
 Fax—(501) 729-9570
 www.americanbronzecraft.com
 Email—abcinfo@iquest.net
 GM—Brent Matthis
 Off. Mgr.—Sherry Johns
 SIC—3281; 3341; NAICS—327991; *Bronze grave markers & plaques*
 Employs—16; Estab.—1999
 Sales—\$1Mil-\$5Mil
 Distrib.—National
 Privately owned corporation

DECORATIVE IRON

833 Highway 367 N. (72081)
Phone—(501) 729-0140
 Owner—Gary Thecker
 SIC—3446; NAICS—332323; *Ornamental ironwork*
 Employs—1; Estab.—2004
 Sales—under \$500,000 (est)
 Distrib.—National
 Privately owned corporation

SUPERIOR ANTENNA MFG., INC.

1009 N. 1st St. (72081-9998)
Phone—(501) 729-3103
 Fax—(501) 729-3671
 www.samidish.com
 Email—sales@samidish.com
 Pres.—Frank Tims
 GM—Jeff King
 Sales Mgr.—Patsy Watson
 SIC—3679; *Satellite antennas; Brand name—SAMI*
 Employs—3; Estab.—1986
 Sales—\$1Mil
 Distrib.—National
 Privately owned sub-S corp.

VULCAN MATERIALS CO.

125 Rock Ln. (72081)
Phone—(501) 729-3925
 Fax—(501) 729-5532
 www.vulcanmaterials.com/searcy
 Email—webmaster@vmcmail.com
 GM—Joe Murphy
 Qual. Control Mgr.—David Smith

SIC—3281; NAICS—327991; *Crushed stone*
 Employs—30; Estab.—1985
 Sales—\$1Mil-\$5Mil
 Distrib.—Local
 Publicly owned corporation
 Parent co.—Vulcan Materials Co., Birmingham, AL
 Phone—(205) 298-3000
 See Parent Co. Section for full profile.

Junction City

(Union—S.E.—Pop. 721)

B & B HARDWOOD, INC.

1264 E. State Line Rd., P.O. Box 898 (71749)
Phone—(870) 924-4534
 Fax—(870) 924-5622
 Pres.—Phil Barnes
 Off. Mgr.—Froxie Brown
 Foreman—Albert Brown
 SIC—2421; *Hardwood lumber processing*
 Employs—26; Estab.—1992
 Sales—\$5Mil-\$10Mil
 10,000 sq ft site, Distrib.—Regional
 Privately owned corporation

GLOVER CUSTOM WOOD, INC.

616 W. State Line Rd., P.O. Box 52 (71749-0052)
Phone—(318) 986-4419
 Fax—(318) 986-4085
 www.GloverCustomWood.com
 Email—Greg@GloverCustomWood.com
 Pres., Hum. Res. & R & D Mgr.—George Glover
 Opers. Mgr.—Greg Glover
 Off. Mgr.—Ashley Bentley
 SIC—2421; *Breeder house slats & packaged dried pine shavings*
 Employs—10; Estab.—1950
 Sales—under \$2Mil
 22,500 sq ft site, Distrib.—Regional
 Privately owned sub-S corp.

Kensett

(White—N.E.—Pop. 1,791)

KLH METAL, INC.

1101 W. Wilbur D. Mills (72082)
 Mail addr: P.O. Box 8133, Searcy (72145)
Phone—(501) 742-3200
 National—(866) 373-2729
 Fax—(501) 742-3389
 www.klhmetal.com
 Off. Mgr.—Kenny Hall
 SIC—3444; 3448; NAICS—332311; *Prefabricated metal roofing, steel buildings & carports*
 Employs—2; Estab.—1995
 Sales—under \$500,000 (est)
 Distrib.—Regional
 Privately owned corporation
 Parent co.—KLH Metal, Inc., Hot Springs National Park, AR
 Phone—(501) 623-3022
 See Parent Co. Section for full profile.

MOORE FOREST PRODUCTS, INC.

401 N.W. 3rd St. (72082)
 Mail addr: P.O. Box 98, Searcy (72145)
Phone—(501) 742-3371
 Fax—(501) 742-3423
 Owner—Jerry Moore
 Pres., Off., Sales & Mktg. Mgr.—Steve Moore
 Plt. Opers. Mgr.—Terry Dees
 SIC—2421; *Hardwood lumber processing*
 Employs—20; Estab.—1976
 Sales—\$1Mil-\$5Mil
 Distrib.—National
 Privately owned corporation

APPENDIX F

City Water and Light
Attorney's Legal Opinion



BARRETT & DEACON

A Professional Association

Jonesboro Fayetteville

300 S. Church Street

Post Office Box 1700

Jonesboro, Arkansas 72403

(870) 931-1700

Fax (870) 931-1800

www.barrettdeacon.com

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PAUL D. WADDELL
KEVIN W. COLE
ROBERT S. JONES*
ROBERT J. GIBSON
ALFRED F. ANGULO, JR.
J. BARRETT DEACON+
S. SHANE BAKER
PAMELA A. HAUN++
BRANDY L. BROWN**
ANDREW H. DALLAS
JASON M. MILNE
M. SCOTT JACKSON
W. CURT HAWKINS*
LAUREN OSWALT BABER

J.C. DEACON
(1920-2011)

JOE C. BARRETT
(1897-1980)

+ Also licensed in Missouri
++ Also licensed in Tennessee
* Master of Laws in Taxation
** Master of Laws in Agricultural Law

rwaddell@barrettdeacon.com

July 26, 2012

Ms. Teresa Marks, Director
Arkansas Department of
Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Re: Jonesboro Pretreatment Program
NPDES No. AR0037907 and AR0043401

Dear Director Marks:

Pursuant to 40 CFR § 403.9(b)(1) regarding the legal authority of City Water and Light Plant of Jonesboro, Arkansas (CWL) to administer and enforce the Jonesboro Industrial Pretreatment Program, the following information is submitted:

1. CWL is an independent Municipal Improvement District, a Publicly Owned Entity, organized and existing under the provisions of Arkansas Act 333 of 1905; Arkansas Act 251 of 1921; and Ark. Code Ann. § 14-217-101 et seq., as a consolidated Municipal Improvement District to own and operate the Wastewater Utilities in the City of Jonesboro, Arkansas.

It is our opinion that CWL has the authority to own, acquire, equip, construct, operate, manage and control a sewer works in the State of Arkansas under the authority of the above cited laws and Ark. Code Ann. §§ 14-235-201 - 14-235-305.

2. CWL possesses only those powers expressly given it by Arkansas law. The City of Jonesboro, however, has broader powers of authority to regulate affairs necessary for the public health, safety and welfare. Those powers include the authority to construct, operate, and control sewage collection systems and treatment works under Ark. Code Ann. § 14-235-203. Such powers are to be liberally construed to effectuate the purposes thereof. Ark. Code Ann. § 14-235-202. Moreover, the City has, under the authority of Ark. Code Ann. § 14-55-102, the power to make and publish ordinances as

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Arkansas Department of Environmental Quality
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shall be necessary to provide for the safety and preserve the health of the inhabitants of the City. It is our opinion that the statutes of Arkansas collectively enable the City to regulate the publicly-owned treatment works.

3. Section 70-84 (2) of the City Jonesboro, Arkansas Municipal Code delegates to CWL, through its Manager, the power and authority to administer, implement, and enforce the provisions of Part I, Chapter 70, Article III, Division 2 - Pretreatment Ordinance - (Sewer Use - Pretreatment Ordinance) of the Jonesboro Municipal Code. The state statutes, special acts, and local ordinances authorize and enable CWL to apply and enforce the requirements of Sections 307(b) and (c), and 402(b)(8) of the Federal Clean Water Act and the regulations implementing those Sections.

4. Part I, Chapter 70, Article III, Division 2 - Pretreatment Ordinance - of the Jonesboro Municipal Code was last significantly amended and passed by the Jonesboro City Council on March 20, 2012. A copy of the approved Jonesboro Sewer Use - Pretreatment Ordinance is included as Appendix "E" of the Jonesboro Industrial Pretreatment document.

The specific Sections of the Sewer Use Pretreatment Ordinance that modify the Jonesboro Municipal Code to meet the requirements of 40 CFR § 403.8(f)(1)(i-vii) are as follows:

1. 40 CFR § 403.8(f)(1)(i) - Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions will exceed Pretreatment Standards or would cause violation of the POTW's NPDES permit.

Section 70-83 of the Jonesboro Municipal Code sets forth the general purpose and policies of the ordinance. Section 70-84 delegates CWL as the legal entity charged with responsibility for administration, implementation, and enforcement of Part I, Chapter 70, Article III, Division 2 (Sewer Use - Pretreatment Ordinance) of the Jonesboro Municipal Code. Section 70-85 sets forth definitions of terms used. Section 70-86 sets forth abbreviations used throughout the ordinance. Section 70-87 prohibits the introduction of pollutants into the POTW which would cause pass-through or interference with the operation or performance of the POTW. Subsections (i) through (xviii) of Section 70-87 (B) define in detail the nature, kind, quantity or quality of materials prohibited from contribution into the POTW. Section 70-89 (2) prohibits all Significant Industrial Users from discharging wastewater into the POTW without first

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Arkansas Department of Environmental Quality
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obtaining a wastewater discharge permit. Section 70-89 (7) empowers the Manager of CWL 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. Section 70-90 (2) provides that wastewater discharge permits shall include such conditions as are deemed necessary by the Manager to prevent a violation of the POTW's NPDES permit. Section 70-91(5) provides that Industrial Users are required to notify the Manager of any planned significant changes to the Industrial User's operations or system which might alter the nature, quality or volume of its wastewater at least sixty (60) days before the change. Section 70-95 (7) authorizes the Manager of CWL to suspend a User's discharge of wastewater that threatens to interfere with the operation of the POTW or may present an endangerment to the environment or the health or welfare of persons.

Thus, CWL: 1) may deny any permit application not meeting applicable Pretreatment Standards; 2) has the authority to require reporting of any intended discharge of new or increased pollutants into the system; 3) may prohibit the introduction of any harmful substance or any substance not meeting Pretreatment Standards into the POTW; 4) may prohibit the introduction of any substance which would cause a violation of the NPDES permit; and 5) may develop acceptable limitations for effluent to be introduced into the POTW.

2. 40 CFR § 403.8(f)(1)(ii) - Requires Industrial Users to comply with applicable Pretreatment Standards and Requirements.

Section 70-87 (1) of the Jonesboro 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 70-87 (2) of the Code, by reference, provides that no Industrial User shall introduce any substance at a concentration in excess of that prohibited in the National Categorical Pretreatment Standards. Section 70-87 (4) provides that in the event that National or State Categorical Pretreatment Standards shall at any time become more stringent than the prohibitions stated in the Jonesboro Municipal Code, the most stringent shall apply.

Thus, CWL may require Industrial Users to comply with applicable Pretreatment Standards.

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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 without, at a minimum, notification and record-keeping requirements;
- C. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards, Categorical Pretreatment Standards, local limits, and State and local law;
- D. Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling locations, 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.
- F. Requirements to control Slug Discharges.

Section 70-89(2)(A) of the Jonesboro Municipal Code prohibits Significant Industrial Users from discharging wastewater into the POTW without first obtaining a wastewater discharge permit from the Manager. Section 70-89(2)(B) provides that CWL may require other Industrial Users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of the Jonesboro Municipal Code. Section 70-90(1) provides that wastewater discharge permits shall be issued for a specified time, not to exceed five (5) years. Section 70-89(8) provides that CWL may issue general permits as a control mechanism. Section 70-90(5) provides that wastewater discharge permits shall contain a statement that the wastewater discharge permit is nontransferable without prior notification to and approval from

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the Manager of City Water and Light Plant. Section 70-90(2)(A)(iii) provides that wastewater discharge permits shall contain effluent limits, including Best Management Practices which are applicable to the Industrial User based on applicable standards in Federal, State and local law. Section 70-90(2)(A)(iv) provides that wastewater discharge permits shall contain self-monitoring, sampling, reporting, notification and recordkeeping requirements. Section 70-87(1)(B)(xiii) provides that no Industrial User may contribute any sludge from the pretreatment of industrial wastes. Section 70-90(2)(A)(vi) provides that wastewater discharge permits shall contain requirements to control slug discharges. Section 70-90(2)(A)(iv) requirements include an identification of the pollutants or Best Management Practices to be monitored, sampling location, sampling frequency, and sample type based on Federal, State and local law. Section 70-90(2)(A)(v) provides that wastewater discharge permits shall contain a statement of applicability of civil and criminal penalties and administrative fines 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.

Thus, CWL 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)(iii)(B)(3) provides that among the effluent limits that must be contained in all Industrial User control mechanisms are Best Management Practices that are required by a categorical pretreatment standard, local limits, state, or local law.

Section 70-87(3) gives CWL's Manager the authority to develop Best Management Practices to implement specific pollutant limitations. The Best Management Practices are considered local limits and Pretreatment Standards. Under 70-90(2)(A), wastewater discharge permits must contain self-monitoring, sampling, reporting, notification, and recordkeeping requirements that include the identification of Best Management Practices to be monitored.

Thus, Best Management Practices are included among effluent limitations in Industrial User permits and those practices are considered local effluent limits and Pretreatment Standards.

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5. 40 CFR § 403.8(f)(1)(iv) - Require Industrial Users to develop compliance schedules for the installation of technology necessary to meet Pretreatment Standards and to submit notices and self-monitoring reports to the POTW as necessary to assess compliance measures.

Section 70-91 (1) (B) (vii) of the Jonesboro 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 70-91 (4) (A) provides that any Significant Industrial User subject to a pretreatment standard shall, at a frequency determined by the Manager of City Water and Light Plant, 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. Where the Pretreatment Standard requires compliance with a Best Management Practice, documentation must be submitted to determine compliance status.

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

6. 40 CFR § 403.8(f)(1)(v) - Carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance with applicable Pretreatment Standards and Requirements by Industrial Users. Representatives shall be authorized to enter certain premises to ensure compliance.

Section 70-92 (1) of the Jonesboro Municipal Code provides that the Manager of CWL 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 requirements thereof. Section 70-92(1) of the Code also provides that Industrial Users shall allow the Manager or the Manager's 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 70-92 (1) (C) of the Code provides that the Manager of CWL may require the Industrial User to install monitoring equipment as necessary. Section 70-92 (1) (B) of the Code provides that CWL shall have the right to set upon 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 70-92 (1) (E) of the Code provides that unreasonable delays in allowing CWL personnel access to the

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Industrial User's premises shall be a violation of the Jonesboro Municipal Code. Section 70-92 (2) of the Code provides that the Manager, if refused access to a property for the purposes stated in Section 70-83 of the Code and is able to demonstrate there is a need for access, may obtain a Search Warrant in Municipal Court of the City of Jonesboro.

Thus, CWL may carry out all inspection, surveillance and monitoring procedures necessary to evaluate compliance with applicable Pretreatment Standards and Requirements by Industrial Users, including, but not limited to entering the premises of Industrial Users to ensure compliance.

7. 40 CFR § 403.8(f)(1)(vi) - 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 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. These remedies shall be used to enforce the duty to carry out inspection, entry, or monitoring activities; any rules, regulations, or orders issued by the POTW, any requirements set forth in the POTW's control mechanism; or any reporting requirements.

Section 70-96 (1) of the Jonesboro 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, CWL, through its Manager and Attorney, 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 Jonesboro Municipal Code on activities of the User. Section 70-96 (2) provides that CWL may, upon authorization by a majority vote of the Board of Directors as provided by Arkansas Code of 1987 Annotated, including Ark. Code Ann. § 8-4-103 (g) et seq., seek Civil Penalties from Users in violation of Part I, Chapter 70, Article III, Division 2 of the Jonesboro Municipal Code up to \$1,000 per violation per day in a court of competent jurisdiction. Section 70-96 (3) provides that City Water and Light Plant may, upon authorization by a majority vote of the Board of Directors as provided by Arkansas Code of 1987 Annotated, including Ark. Code Ann. § 8-4-103 (g) et seq., pursue Criminal Prosecution of Users in willful or negligent violation of Part I, Chapter 70, Article III,

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Division 2 of the Jonesboro Municipal Code with fines up to \$1,000 per violation per day in a court of competent jurisdiction. Section 70-95 (7) provides for immediate suspension of a User's discharge which reasonably appears to present an endangerment to the health or welfare of persons. Section 70-95(7) also provides for immediate suspension of a User's discharge, after verbal notice, that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

Thus, CWL may obtain remedies for violations, including injunctive relief and to seek civil or criminal penalties up to \$1,000 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.

8. 40 CFR § 403.8 (f) (1) (vii) - Provide confidentiality where necessary to protect Industrial User's confidential business information.

Section 70-93 of the Jonesboro 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, the Manager of CWL shall not make available for inspection by the public portions of reports which might disclose trade secrets or secret processes. However, such information shall be made available immediately, upon request, to governmental agencies for uses related to the NPDES or pretreatment program, and in enforcement proceedings involving the person furnishing the report.

Thus, CWL may, where the User specifically requests, provide confidentiality where necessary to protect Industrial User's confidential business information.

9. 40 CFR § 403.8(f)(2)(vi) requires Significant Industrial Users to notify the POTW immediately of changes that occur at the facility affecting the potential for slug discharge.

Section 70-88(3) provides for the CWL Manager to determine whether facilities should prepare an accidental or slug discharge control plan. CWL may require any Industrial User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control sludge discharges. The slug discharge control plan must contain (A) a description of the practices, including non-routine batch

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discharges; (B) description of stored chemicals; (C) procedures for immediately notifying the POTW of any accidental or slug discharges; and (D) procedures to prevent adverse impact from any accidental or slug discharge as set forth in 70-88(3)(A)-(D). Moreover, Section 70-91(6)(A) requires Users to immediately telephone and notify the CWL Manager of any slug load discharge. Section 70-91(6)(B) requires that within five (5) days of such a discharge, the User shall submit a detailed written report describing the cause of the discharge and the steps taken to prevent future discharges. Under Section 70-91(6)(C), failure to notify CWL of the potential problem of discharges is a separate violation of the ordinance. Finally, Section 70-91(6)(D) requires that Users notify the CWL Manager immediately of any changes at its facility affecting the potential for slug discharge.

Thus, CWL has the authority to control accidental or slug discharges and the facility operations and changes that affect such discharges. CWL requires Users to provide immediate notification of changes that affect the potential for slug discharges and requires immediate telephone notification and follow up written notification of discharge events.

10. 40 CFR § 403.12(b),(e), (h) require Significant Industrial Users to submit documentation to determine compliance with Best Management Practice standards or local limits.

As set forth in 70-87(3), CWL may develop Best Management Practices as local effluent limits. Section 70-90(2) sets forth the general contents of wastewater permits. These conditions include the requirement that permits contain sampling, reporting, notification, and recordkeeping requirements identifying Best Management Practices to be monitored. See 70-90(2)(A)(iv). Users are required to submit to CWL documentation to determine compliance with Best Management Practice standards within 180 days after the effective date of a Categorical Pretreatment Standards or 180 after the final administrative decision on a category determination. Thereafter, Users must submit periodic compliance reports at a frequency to be determined by the Manager of CWL, but in no event less than twice per year as set forth in 70-91(4).

Thus, POTW Users are required to submit to CWL periodic compliance reports to determine compliance with Best Management Practices and local limits.

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11. 40 CFR § 403.12(o) requires that the POTW and the Industrial User maintain records of Best Management Practice compliance in the same way that other records are maintained as required under 40 CFR 403.12(o).

Section 70-91(13) requires that Users retain and make available documentation associated with Best Management Practices. The records must include specific information relating to practices and methods employed. The records must be retained for a minimum of three years. These recordkeeping requirements comply with the recordkeeping compliance requirements of 40 CFR 403.12(o).

Thus, CWL possesses the legal authority to require that Best Management Practice compliance records are maintained in the same way that other records are maintained as required under 40 CFR 403.12(o).

12. 40 CFR § 403.12(g)(3),(4),(6) require Significant Industrial Users to follow sampling procedures for periodic compliance reports. The Control Authority must identify the number of grab samples needed to assess and assure compliance with Pretreatment Standards. Industrial Users must report all monitoring results.

Section 70-91(11) requires that certain sampling events be used to support monitoring and compliance reports. Users are required to take a specified number of grab samples to test for a range of compounds, chemicals, and substances. See 70-91(11)(A)-(C). Section 70-91(4)(D) requires if an Industrial User that is subject to reporting requirements samples more frequently than required by the POTW and by the procedures set forth in Section 70-91(10) and (11), the results of the additional monitoring shall be reported.

Thus, CWL has the legal authority to require Users to follow sampling procedures, reporting requirements for additional sampling, and has designated the level of samples necessary to assess and assure compliance with Pretreatment Standards.

CWL has no inter-jurisdictional agreements for providing wastewater services to neighboring jurisdictions or Significant Industrial Users located beyond the CWL service area or the jurisdiction of the City of Jonesboro.

The Ordinance amending Part I, Chapter 70, Article III, Division 2, along with resolutions adopted by the Board of Directors under the authority so granted them, appear to fully meet the requirements of Environmental Protection Agency general Pretreatment Regulations for existing and new sources of pollution codified as 40 CFR Part 403.8 (f) (1) (i-vii). The Ordinance and Resolutions are attached in their entirety.

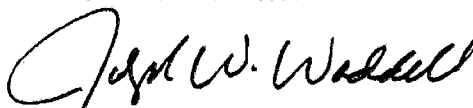
BARRETT & DEACON

Ms. Teresa Marks, Director
Arkansas Department of Environmental Quality
July 26, 2012

Dated this 26th day of July, 2012.

Very truly yours,

BARRETT & DEACON
A Professional Association



Ralph W. Waddell

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APPENDIX G

Industrial Wastewater Survey



INDUSTRIAL WASTEWATER SURVEY

Date: __/__/__

All nonresidential customers connected to the CWL sanitary sewer collection system must complete and return **within 30 days of receipt** this survey to:

City Water and Light
Attention: Adam Saulsbury
P.O. Box 1289
Jonesboro, AR 72403-1289

If you have any questions, please call 870.930.3392.

Is there any wastewater generated within your facility other than normal domestic sewage? Examples of normal domestic sewage include normal daily use of showers, restrooms, break rooms, and sinks.

- No Please sign this form and return it to CWL.
- Yes Describe all non-domestic water uses. Include water used for food preparation:

Company Name: _____

Mailing Address: _____

City/ State/ Zip Code: _____

The information contained in this questionnaire is to the best of my knowledge, true, complete, and accurate.

Signature

Date

Name: _____

Title: _____

Representing: _____

Phone: (____) ____-____

E-mail address: _____

Date completed form was received by CWL: __/__/__

APPENDIX G

Industrial Wastewater Questionnaire and Instructions



Instructions for Industrial Wastewater Questionnaire
City Water & Light (CWL) Industrial Pretreatment Program
Jonesboro, AR

This questionnaire must be completed and returned within 30 days of receipt to:

City Water & Light Laboratory
Attention: Adam Saulsbury
PO Box 1289
Jonesboro, AR 72403-1289

The questionnaire must be returned before new industrial services are allowed to connect with the CWL sanitary sewer collection system. Thank you for your cooperation.

General Instructions

These instructions are designed to assist you in completing the CWL Industrial Wastewater Questionnaire. Examples are provided. If you have any questions, please contact Adam Saulsbury, CWL Pretreatment/Laboratory Coordinator, at (870) 930-3392.

Please make certain that all questions applicable to your facility are completed. You may request that certain information be kept confidential, subject to the provisions set forth in Section 70-93 of the Jonesboro Municipal Code. Confidential information may be included on separate sheets if preferred. CWL will, however, reserve the right to determine what information is to 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.

Part I. General Information

Company Name

Indicate the name that is used for official company transactions.

Mailing Address

The mailing address should be the address where all mail pertaining to this questionnaire or other pretreatment correspondence should be sent.

Site Address

The site address is the physical address of the plant or facility for which the questionnaire is being submitted.

Authorized or Duly Approved Representative

The Authorized Representative shall be a representative of the company with the authority to sign on behalf of the company for the particular facility to which this questionnaire pertains and certify the accuracy of information provided on official documents. Those persons who may be assigned such authority are set forth in Section 70-85 (4) of the Jonesboro Municipal Code. Please provide name, title, and contact information.

Contact Person

Often a person within the company, such as the facility engineer, is assigned the responsibility of dealing with matters concerning wastewater disposal. The name, title, and contact information for this alternate person should be provided.

Corporate Contact Person

Provide the name, title, and contact information of an alternate corporate contact person, if applicable, who assists your facility with regards to matters concerning wastewater disposal.

SIC/NAICS Codes

List the Standard Industrial Classification (SIC) code according to the Standard Industrial Classification Manual, Bureau of the Budget, published 1986, or list the North American Industrial Classification System (NAICS) code which best describes the various products or services which your facility provides. If you are not sure of your SIC/NAICS code, contact the local Employment Security Division office at (870) 935-5594.

Environmental Permits

Indicate if any environmental permits are held by or for your facility, including an NPDES (National Pollutant Discharge Elimination System) permit.

Certification

The Authorized or Duly Approved Representative, as defined by Section 70-85 (4) of the Jonesboro Municipal Code, should sign and date the certification statement after reviewing the contents of the completed questionnaire.

Part II. Future Water Usage and Wastewater Flows**Existing Water Usage**

Indicate your facility's current monthly average water usage.

Future Water Usage and Wastewater Production

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

Part III. Operational Characteristics of Facility**Primary Operations**

Describe the primary operations (manufacturing or service activities), which take place at the facility 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*

Principle Products or Services

List your facility's principle product(s) or service(s), which will convey a general idea of the operations you perform.

Seasonal Production

During summer months, a facility may make antifreeze for sale during fall and winter. During the winter months, the same facility may manufacture charcoal lighter fluid. Operations such as these are considered

seasonal. For facilities with seasonal variations in their manufacturing processes, itemize the products and months of peak production for those products.

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 considered 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 number of batches made during a typical production month and divide by the average number of workdays per month.

Type of Wastewater

Indicate if your facility performs activities associated with commercial food preparation, automotive repair, or automotive/truck washing. If the answer is no, leave this question blank and proceed to the next question.

Process and Domestic Wastewater

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

- Yes
 No

If you answer NO to the above question, sign and date the document by an Authorized or Duly Approved Representative, as defined in Section 70-85 (4) of the Jonesboro Municipal Code. Return the entire questionnaire to the CWL Laboratory. Please do not return the instructions.

If you answer YES to the above question, proceed to the next question.

Process Wastestreams

List each source of wastewater. Describe the processes which produce wastewater and the general types of pollutants found in each wastewater stream. For example, if your operations deal with finishing metal using water, you might list the following:

Plating small component parts: producing cyanide, copper, cadmium, zinc, nickel, chromium, silver, and wastewater with a pH less than 6 or greater than 10

Paint line: producing caustics, zinc, chrome, lead, fats, oils, and greases, and volatile hydrocarbons

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 each of the facility's water sources (*e.g.* CWL water system, private well, *etc.*) and the total daily consumption from these sources during a typical (average) workday.

Water Treatment

Indicate if your facility treats raw water and if so, describe the treatment processes used.

Water Consumption

Water usage in industry varies depending on the type of manufacturing activity, age of the facility, process equipment utilized, and other variable characteristics. A listing of the categories and the 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 some cases, a calculated estimate of the water used will be necessary.

- a) Record the average gallons per day of water used for make-up water in coolers, refrigeration and air conditioning equipment, cooling towers, and other similar systems.
- b) Record the average gallons per day of water used for boiler make-up (*e.g.* feed water) and other heating systems.
- c) Record the average gallons per day of water consumed by all production processes at your facility.
- d) Record the average gallons per day of water used for domestic type activities at your facility. Include such use as water for showers, toilets, cafeteria, drinking fountains, *etc.*
- e) Record the average gallons per day of water contained in the manufactured product(s).
- f) Record the average gallons per day of water used for activities other than the categories listed and identify these activities. Examples of such activities would be washdown water and irrigation water.
- g) Total the average water volumes for items a) through f).

Water Discharged

Water that is consumed must be removed from the facility via some means, (*i.e.*, the water into and out of the facility 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 it is shipped out in the product (*e.g.* soft drinks). The quantities removed by such other means can often be determined from facility 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 any slug discharges from batch or periodic cleanup and other such fluctuating discharges, as measured on an average basis. Some sewer discharges may go directly to a 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 (EPA). Cooling water overflow may require an NPDES permit, if it is ultimately discharged from a building sewer 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. Stormwater should not be included in any reported discharge volume.

- a) Record the measured volume or estimated average gallons per day of all wastewaters that flow from the premise and enter a public sewer whether treated or untreated (including process, sanitary, boiler, cooling water, *etc.*). 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 premises 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 flows should be included on this line, if irrigation is not separately metered at your facility. If your facility has a separate meter for irrigation, do not include.
- c) Record the estimated average gallons per day of all wastewaters that are removed from this premise by waste haulers in your employ or otherwise 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) Record the estimated average gallons per day of water discharged by any other means than those listed in items a) through e).
- g) Total the average discharge for items a) through f).

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.

Variations in Wastewater

Indicate if wastewater volume or characteristics experience periodic or seasonal variations.

Part V. Wastewater Quality and Pretreatment

Priority Pollutants

The list of Priority Pollutants set forth in **Table 1** is designated by EPA pursuant to 307(a) (i) of the Clean Water Act and taken from 40 CFR (Code of Federal Regulations) 401.15. Some of the compounds in this list may be known by brand or trade names. Appendix A to this document lists chemical compounds for pollutants that have commonly used synonyms.

To obtain the required information for this section, a review of the substances or materials used in or generated by your manufacturing or service activities is necessary. Many of the substances are ingredients of materials in common use. 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, as well as carefully reviewing all product labels.

For this item, you only need to indicate chemical compounds known to be present or suspected to be present. You do not have to perform laboratory analyses to obtain this information. If, however, any recent data analyses have been performed on the wastewater discharges from your facility (other than those analysis conducted by CWL), these results should be attached.

If it is determined that your establishment requires a permit through CWL's Industrial Pretreatment Program, you will then be required to perform laboratory analyses of your wastewater at that time.

Wastewater Pretreatment

Indicate any form of wastewater pretreatment practiced at your facility. Information provided concerning wastewater pretreatment should include description of any equipment or process used to remove or reduce solids, grease, or other materials prior to discharge to the sewer system. Examples include: oil/grease interceptors, filters, and settling tanks.

Drainage Drawing

Provide a legible drawing as a supplement to this form, illustrating your facility's sewer drainage system.

Spill Prevention Plan

Facilities with substantial quantities of oil or hazardous substances stored on the premises should have spill control measures in place to prevent such substances from causing environmental damage if spilled. You should determine if any potentially hazardous substances are present at your facility and evaluate the need for planning and control systems.

Spill Disposal

Indicate how spills are disposed of at your facility. Section 70-87 of the Jonesboro Municipal Code sets forth pollutants, substances, and wastewater which are specifically prohibited from being introduced into the collection system.

National Categorical Pretreatment Standards

If your industry includes operational processes listed in **Table 2**, it is subject to applicable National Categorical Pretreatment Standards. If your industry is subject to these federal Pretreatment Standards, please indicate these activities on **Table 2** and complete the remainder of the questionnaire. If your industry is not subject to these standards, please proceed to **Part IV: Pollution Prevention Activities of the questionnaire**. You may still be required to possess a permit in accordance with City of Jonesboro Pretreatment Ordinance (ORD 12:009) requirements set forth under Part I, Chapter 70, Article III, Division 2 of the Jonesboro Municipal Code.

If you are unsure if your facility's industrial operations are subject to National Categorical Pretreatment Standards, contact the local Employment Security Division Office at (870) 935-5594.

Part VI. Pollution Prevention Activities

Indicate if your facility practices pollutant prevention activities and, if so, specifically which activities are practiced. A list of common pollution prevention activities is included.

Indicate if your facility has a written pollution prevention plan.



Industrial Wastewater Questionnaire
City Water and Light (CWL) Industrial Pretreatment Program
Jonesboro, AR

<u>CWL use only:</u> Date questionnaire mailed to the Industrial User: ___/___/___ Date completed questionnaire received by CWL: / /

Please complete the following:

I. General Information

- 1) Company Name: _____

- 2) Mailing Address: _____
City, State/Zip Code: _____

- 3) Site Address: _____
City, State/Zip Code: _____

- 4) Authorized or Duly Approved Representative
Name: _____
Title: _____
Phone: (____) ____ - ____
Email: _____

- 5) Contact Person
Name: _____
Title: _____
Phone: (____) ____ - ____
Email: _____

- 6) Corporate Contact Person
Name: _____
Title: _____
Phone: (____) ____ - ____
Email: _____

- 7) Standard Industrial Classification Code: _____
North American Industrial Classification System Code: _____

- 8) List any environmental control permits held by or for the facility:

9) Does your establishment have a current NPDES (National Pollutant Discharge Elimination System) Permit?

() No

() Yes, the NPDES permit number is: _____

10) Sign and date the following certification by an Authorized or Duly Approved Representative, as defined by Section 70-85 (4) of the Jonesboro Municipal Code.

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

Authorized or Duly Approved Representative

____/____/____
Date

II. Future Water Usage and Wastewater Flows

11) CWL records indicate your monthly average water usage to be:

_____ gallons per month, from _____ to _____

12) What is your best estimate of your establishment's water usage through the year 2035?

() Unchanged () Changed at the following rate:

_____ gallons per month in 2015

_____ gallons per month in 2020

_____ gallons per month in 2025

_____ gallons per month in 2030

_____ gallons per month in 2035

13) The amount of wastewater discharged to the wastewater collection system will most likely:

() Stay the same.

() Change as follows: _____

III. Operational Characteristics of Facility

14) Briefly describe the primary operations (manufacturing or service activities) performed on the premises.

15) Describe the principle products manufactured or assembly at the facility or services provided by your industrial application, if appropriate:

16) Indicate any seasonal or periodic changes in these operations of production.

17) Indicate if production operations are batch or continuous processes. For batch processes, estimate the average number of batch operations in a day.

18) Is the service activity performed on the premises associated with:

- Commercial food preparation
- Automotive repair
- Automotive/truck washing

19) Is there any wastewater generated within your establishment other than normal domestic sewage? (e.g. toilet facilities, showers, drinking water fountains, and lavatories)

- Yes
- No

NOTE:

If you answered NO to the above question, sign and date the document by an Authorized or Duly Approved Representative, as defined in Section 70-85 (4) of the Jonesboro Municipal Code. Return the entire questionnaire to the CWL Laboratory. Please do not return the instructions.

If you answered YES to the above question, proceed to the next question.

20) List each source of wastewater, describing processes which produce wastewater and the general type of pollutants (detergents, grease, wood shavings, cleaning agents, metal particles, food particles, etc.) in each wastewater stream. Attach extra sheets of paper if necessary to provide complete information.

28) List any periodic or seasonal variations in wastewater quantity or characteristics:

V. Wastewater Quality and Pretreatment

29) Are any of the Priority Pollutants listed in **Table 1** below known to be present or suspected of being present at this facility, either in the manufacturing of the product or as a by-product of your process which may enter the sewer collection system? If so, please indicate by placing a checkmark on **Table 1** below for those Priority Pollutants. Appendix A to this document lists chemical compounds for pollutants that have commonly used synonyms.

Laboratory analysis is not required to complete this portion of the questionnaire. If, however, any wastewater analyses have been performed on the wastewater discharges from your facility, please attach the results to this questionnaire.

Table 1: Priority Pollutants Designated pursuant to 307(a) (1) of the Clean Water Act and listed in 40 CFR 401.15 (Published 1979, amended 1981)

EPA Regulated Priority Pollutants

A. Metals and Cyanide

- () 001. Antimony, total, and compounds
- () 002. Arsenic, total, and compounds
- () 003. Beryllium, total, and compounds
- () 004. Cadmium, total, and compounds
- () 005. Chromium, total, and compounds
- () 006. Chromium (III+), recoverable
- () 007. Chromium (VI+), dissolved
- () 008. Copper, total, and compounds
- () 009. Lead, total, and compounds
- () 010. Mercury, total, and compounds
- () 011. Nickel, total, and compounds
- () 013. Selenium, total, and compounds
- () 014. Silver, total, and compounds
- () 015. Thallium, total, and compounds
- () 016. Zinc, total, and compounds
- () 017. Cyanide, total

B. Dioxin

- () 018. 2, 3, 7, 8-Tetrachloro-debenzo-p-dioxin (TCDD)

C. Volatile Compounds

- () 019. Acrolein
- () 020. Acrylonitrile
- () 021. Benzene
- () 022. Bromoform
- () 023. Carbon Tetrachloride
- () 024. Chlorobenzene
- () 025. Chlorodibromomethane
- () 026. Chloroethane
- () 027. 2-Chloroethyl vinyl ether
- () 028. Chloroform

- () 029. Dichlorobromomethane
- () 030. 1, 1-Dichloroethane
- () 031. 1, 2-Dichloroethane
- () 032. 1, 1-Dichloroethylene
- () 033. 1, 2-Dichloropropane
- () 034. 1, 2-Dichloropropylene (1, 3-Dichloropropene)
- () 035. Ethylbenzene
- () 036. Methyl Bromide (Bromomethane)
- () 037. Methyl Chloride (Chloromethane)
- () 038. Methylene Chloride
- () 039. 1, 1, 2, 2-Tetrachloroethane
- () 040. Tetrachloroethylene
- () 041. Toluene
- () 042. 1, 2, Trans-Dichloroethylene
- () 043. 1, 1, 1-Trichloroethane
- () 044. 1, 1, 2-Trichloroethane
- () 045. Trichloroethylene
- () 046. Vinyl Chloride

D. Acid Compounds

- () 047. 2-Chlorophenol
- () 048. 2, 4-Dichlorophenol
- () 049. 2, 4-Dimethylphenol
- () 050. 4, 6-Dinitro-o-Cresol (= 2 Methyl-4, 6-dinitrophenol)
- () 051. 2, 4-Dinitrophenol
- () 052. 2-Nitrophenol
- () 053. 4-Nitrophenol
- () 054. p-Chloro-m-Cresol (= 4-Chloro-3-methylphenol)
- () 055. Pentachlorophenol
- () 056. Phenol
- () 057. 2, 4, 6-Trichlorophenol

E. Base Neutral Compounds

- () 058. Acenaphthene
- () 059. Acenaphthylene
- () 060. Anthracene
- () 061. Benzidine
- () 062. Benzo (a) anthracene
- () 063. Benzo (a) pyrene
- () 064. Benzo (b) fluoranthene (3, 4-Benzofluoranthene)
- () 065. Benzo (ghi) perylene
- () 066. Benzo (k) fluoranthene
- () 067. Bis (2-chloroethoxy) methane
- () 068. Bis (2-chloroethyl) ether
- () 069. Bis (2-chloroisopropyl) ether
- () 070. Bis (2-ethylhexyl) phthalate
- () 071. 4-Bromophenyl phenyl ether
- () 072. Butyl benzyl phthalate
- () 073. 2-Chloronaphthalene
- () 074. 4-Chlorophenyl phenyl ether
- () 075. Chrysene
- () 076. Dibenzo (a,h) anthracene
- () 077. 1, 2-Dichlorobenzene
- () 078. 1, 3-Dichlorobenzene

- () 079. 1, 4-Dichlorobenzene
- () 080. 3, 3-Dichlorobenzidine
- () 081. Diethyl Phthalate
- () 082. Dimethyl Phthalate
- () 083. Di-n-Butyl Phthalate
- () 084. 2, 4-Dinitrotoluene
- () 085. 2, 6-Dinitrotoluene
- () 086. Di-n-octyl Phthalate
- () 087. 1, 2-Diphenylhydrazine
- () 088. Fluoranthene
- () 089. Fluorene
- () 090. Heaxachlorobenzene
- () 091. Heaxachlorobutadiene
- () 092. Heaxachlorocyclopentadiene
- () 093. Heaxachloroethane
- () 094. Indeno (1, 2, 3-cd) pyrene (= 2,3-o-phenylene pyrene)
- () 095. Isophorone
- () 096. Naphthalene
- () 097. Nitrobenzene
- () 098. N-nitrosodimethylamine
- () 099. N-nitrosodi-n-propylamine
- () 100. N-nitrosodiphenylamine
- () 101. Phenanthrene
- () 102. Pyrene
- () 103. 1, 2, 4-Trichlorobenzene

F. Pesticides

- () 104. Aldrin
- () 105. Alpha-BHC
- () 106. Beta-BHC
- () 107. Gamma-BHC
- () 108. Delta-BHC
- () 109. Chlordane
- () 110. 4, 4'-DDT
- () 111. 4, 4'-DDE (p,p-DDX)
- () 112. 4, 4'-DDD 9(p,p-TDE)
- () 113. Dieldrin
- () 114. Alpha-endosulfan
- () 115. Beta-endosulfan
- () 116. Endosulfan sulfate
- () 117. Endrin
- () 118. Endrin aldehyde
- () 119. Heptachlor
- () 120. Heptachlor epoxide (= BHC-hexachlorocyclohexane)
- () 121. PCB-1242
- () 122. PCB-1254
- () 123. PCB-1221
- () 124. PCB-1232
- () 125. PCB-1248
- () 126. PCB-1260
- () 127. PCB-1016
- () 128. Toxaphene

30) Describe any wastewater treatment equipment or processes employed at your facility (use additional sheets of paper as necessary):

31) Provide a legible drawing of your sewer drainage system illustrating the following: floor drains, grease traps, settling basins, screens, any other applicable treatment components, connections to the CWL collection system, and access locations (e.g. manholes).

32) Is there a spill prevention control plan in effect at this facility?

- Yes
 No

33) Briefly describe the manner in which spills (chemicals, food wastes, etc.) are disposed.

34) Is this facility subject to an existing EPA National Categorical Pretreatment Standard?

- Yes
 No

If you are unsure of your categorical status, see **Table 2** below for a list of Industrial Categories subject to National Categorical Pretreatment Standards. If your operations include any of the activities or processes listed in **Table 2**, you are subject to the standards for that Industrial Category.

NOTE:

If you answered **NO** to the above question, skip to **Part VI: Pollution Prevention Activities.**

If you answered **YES** to the above question, proceed to the next question.

35) Indicate which Industrial Categories apply to your facility by placing a checkmark by the applicable Categories listed in **Table 2:**

Table 2: Industrial Categories Subject to National Categorical Pretreatment Standards

<input type="checkbox"/> Aluminum Forming	40 CFR Part 467
<input type="checkbox"/> Asbestos Manufacturing	40 CFR Part 427
<input type="checkbox"/> Battery Manufacturing	40 CFR Part 461
<input type="checkbox"/> Canned and Preserved Fruits and Vegetable Processing	40 CFR Part 407
<input type="checkbox"/> Canned and Preserved Seafood (Seafood Processing)	40 CFR Part 408
<input type="checkbox"/> Carbon Black Manufacturing	40 CFR Part 458
<input type="checkbox"/> Cement Manufacturing	40 CFR Part 411
<input type="checkbox"/> Centralized Waste Treatment	40 CFR Part 437
<input type="checkbox"/> Coal Mining	40 CFR Part 434
<input type="checkbox"/> Coil Coating	40 CFR Part 465
<input type="checkbox"/> Concentrated Animal Feeding Operations (CAFO)	40 CFR Part 412
<input type="checkbox"/> Concentrated Aquatic Animal Production	40 CFR Part 451
<input type="checkbox"/> Copper Forming	40 CFR Part 468
<input type="checkbox"/> Dairy Products Processing	40 CFR Part 405

<input type="checkbox"/> Electrical & Electronic Components	40 CFR Part 469
<input type="checkbox"/> Electroplating	40 CFR Part 413
<input type="checkbox"/> Explosives Manufacturing	40 CFR Part 457
<input type="checkbox"/> Ferroalloy Manufacturing	40 CFR Part 424
<input type="checkbox"/> Fertilizer Manufacturing	40 CFR Part 418
<input type="checkbox"/> Glass Manufacturing	40 CFR Part 426
<input type="checkbox"/> Grain Mills Manufacturing	40 CFR Part 406
<input type="checkbox"/> Gum and Wood Chemicals	40 CFR Part 454
<input type="checkbox"/> Hospitals	40 CFR Part 460
<input type="checkbox"/> Ink Formulating	40 CFR Part 447
<input type="checkbox"/> Inorganic Chemicals	40 CFR Part 415
<input type="checkbox"/> Iron and Steel Manufacturing	40 CFR Part 420
<input type="checkbox"/> Landfills	40 CFR Part 445
<input type="checkbox"/> Leather Tanning and Finishing	40 CFR Part 425
<input type="checkbox"/> Meat and Poultry Products	40 CFR Part 432
<input type="checkbox"/> Metal Finishing	40 CFR Part 433
<input type="checkbox"/> Metal Molding and Casting (Foundries)	40 CFR Part 464
<input type="checkbox"/> Metal Products and Machinery	40 CFR Part 438
<input type="checkbox"/> Mineral Mining and Processing	40 CFR Part 436
<input type="checkbox"/> Nonferrous Metals Forming and Metal Powders	40 CFR Part 471
<input type="checkbox"/> Nonferrous Metals Manufacturing	40 CFR Part 421
<input type="checkbox"/> Oil and Gas Extraction	40 CFR Part 435
<input type="checkbox"/> Ore Mining and Dressing (Hard Rock Mining)	40 CFR Part 440
<input type="checkbox"/> Organic Chemicals, Plastics, and Synthetic Fibers	40 CFR Part 414
<input type="checkbox"/> Paint Formulating	40 CFR Part 446
<input type="checkbox"/> Paving and Roofing (Tars and Asphalt)	40 CFR Part 443
<input type="checkbox"/> Pesticides Chemicals Manufacturing, Formulating & Packaging	40 CFR Part 455
<input type="checkbox"/> Petroleum Refining	40 CFR Part 419
<input type="checkbox"/> Pharmaceutical Manufacturing	40 CFR Part 439
<input type="checkbox"/> Phosphate Manufacturing	40 CFR Part 422
<input type="checkbox"/> Photographic	40 CFR Part 459
<input type="checkbox"/> Plastics Molding and Forming	40 CFR Part 463
<input type="checkbox"/> Porcelain Enameling	40 CFR Part 466
<input type="checkbox"/> Pulp, Paper and Paperboard	40 CFR Part 430
<input type="checkbox"/> Rubber Manufacturing	40 CFR Part 428
<input type="checkbox"/> Soaps and Detergents Manufacturing	40 CFR Part 417
<input type="checkbox"/> Steam Electric Power Generating	40 CFR Part 423
<input type="checkbox"/> Sugar Processing	40 CFR Part 409
<input type="checkbox"/> Textile Mills	40 CFR Part 410
<input type="checkbox"/> Timber Products Processing	40 CFR Part 429
<input type="checkbox"/> Transportation Equipment Cleaning	40 CFR Part 442
<input type="checkbox"/> Waste Combustors	40 CFR Part 444

VI. Pollution Prevention Activities

36) Does your facility practice Pollution Prevention?

- Yes
 No

37) If yes, please indicate which of the following Pollution Prevention Activities are practiced:

- Spill and Leak Prevention Procedures

Explain: _____

Water Reuse
Explain: _____

Cost accounting to track savings
Explain: _____

Inventory Control
Explain: _____

Employee Training
Explain: _____

Spent Solvent Reclamation
Explain: _____

Recycle Paper, Aluminum, Boxes, and Pallets
Explain: _____

Recycle Waste Oil, Solvents, and Lubricants
Explain: _____

Other _____
Explain: _____

38) Does this facility have a written Pollution Prevention Plan?

Yes

No

When you have completed this questionnaire, make sure that this form has been signed and dated by an Authorized or Duly Approved Representative, as defined in Section 70-85 (4) of the Jonesboro Municipal Code. Return the completed form (do not return the instructions) to:

City Water & Light of Jonesboro
Attention: Adam Saulsbury
PO Box 1289
Jonesboro, AR 72403-1289

Appendix A: Priority Pollutant Synonym Listing

<u>Chemical Compound</u>	<u>Synonym</u>
benzo (a) anthracene	1,2-benzanthracene 2,3-benzphenanthrene
benzo (a) pyrene	3,4-benzopyrene
benzo (g, h, i) perylene	1,12-benzoperylene
benzo (k) fluoranthene	11,12-benzofluoranthene
g-BHC	lindane
bis (2-chloroethyl) ether	2,2'-dichloroethyl ether
bis (2-chloroethoxy) methane	2,2'-dichloroethoxy methane
bis (2-chloroisopropyl) ether	2,2'-dichloroisopropyl ether
bis (chloromethyl) ether	(sym)dichloromethyl ether
bis (2-ethylhexyl) phthalate	2, 2'-diethylhexyl phthalate
bromodichloromethane	dichlorobromomethane
bromoform	tribromomethane
bromomethane	methyl bromide
carbon tetrachloride	tetrachloromethane
4-chloro-3-methylphenol	para-chloro-meta-cresol
chloroethane	ethylchloride
chloroform	trichloromethane
chloromethane	methyl chloride
2-chlorophenol	para-chlorophenol
chrysene	1,2-benzphenanthrene
4, 4' -DDD	dichlorodipenyldichloroethane p,p' -TDE tetrachlorodiphenylethane
4,4' -DDE	dichlorodipenyldichloroethane p,p' -DDX
4,4' -DDT	dichlorodiphenyl trichloroethane
dibenzo(a,h)anthracene	1,2,5,6-dibenzanthracene
dibromochloromethane	chlorodibromomethane
1,2-dichlorobenzene	ortho-dichlorobenzene
1,3-dichlorobenzene	meta-dichlorobenzene
1,4-dichlorobenzene	para-dichlorobenzene
dichlorodifluoromethane	difluorodichloromethane fluorocarbon-12
1,1-dichloroethane	ethylidene chloride
1,2-dichloroethane	ethylene chloride ethylene dichloride
1,1-dichloroethene	1,1-dichloroethylene
(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-xenol
di-n-octyl phthalate	di (2-ethylhexyl)phthalate
4,6-dinitro-2-methylphenol	4,6-dinitro-ortho-cresol
1,2-diphenylhydrazine	hydrazobenzene
endosulfan I	a-endosulfan-alpha
endosulfan II	b-endosulfan-beta

fluorene	(alpha)-diphenylene methane
hexachlorobenzene	perchlorobenzene
hexachlorocyclopentadiene	perchlorocyclopentadiene
hexachloroethane	perchloroethane
indeno(1,3,3-cd)pyrene	2,3-ortho-phenylene pyrene
isophorone	3,5,5-trimethyl-2-cyclohexen-1-one
methylene chloride	dichloromethane
2-nitrophenol	para-nitrophenol
4-nitrophenol.	ortho-.nitrophenol
N-nitrosodimethylamine	dimethyl-nitrosoamine
N-nitrosodipropylamine	N-nitroso-di-n-propylamine
N-nitrosodiphenylamine	diphenyl-nitrosomine
PCB-1016	Arochlor-1016
PCB-1221	Arochlor-1221
PCB-1232	Arochlor-1232
PCB-1242	Arochlor-1242
PCB-1248	Arochlor-1248
PCB-1254	Arochlor-1254
PCB-1260	Arochlor-1260
2,3,7,8-tetrachlorodibenzo-p-dioxin	TCDD
1,1,2,2-tetrachloroethane	acetylene tetrachloride
tetrachloroethene	perchloroethylene tetrachloroethylene
toluene	methylbenzene toluol
1,1,1-trichloroethane	methyl chloroform
1,1,2-trichloroethane	vinyl trichloride
trichloroethene	trichloroethylene
trichlorofluoromethane	fluorocarbon-11 fluorotrichloromethane
vinyl chloride	chloroethene chloroethylene

APPENDIX H

Notification of Permit Requirement



(Inside Address)
Return Receipt/Certified Mail

Re: Classification as Significant Industrial User

To Whom It May Be Concerned:

Review of information recently obtained regarding your industrial activities at the above premises indicates that you are a Significant Industrial User of the City Water and Light (CWL) Wastewater System, as defined in Section 70-85 (60) of Pretreatment Ordinance (ORD 12:009) - Part 1, Chapter 70, Article III, Division 2 of the Jonesboro Municipal Code.

For New Services Applying for a New Permit:

Ordinance requires that you apply to CWL for an Industrial Wastewater Discharge Permit **at least 90 days before discharge** to the CWL sanitary sewer collection system will begin or recommence, in accordance with Section 70-89 (4) of the Jonesboro Municipal Code, unless the 90 day period is otherwise waived by CWL.

For Existing Services Applying for a New Permit:

Ordinance requires that you apply to CWL for an Industrial Wastewater Discharge Permit **within 90 days of this notification**, in accordance with Section 70-89 (3) of the Jonesboro Municipal Code.

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

1. Application for an Industrial Wastewater Discharge Permit;
2. A copy of Part I, Chapter 70, Article III, Division 2, Sewer Use – Pretreatment Ordinance of the Jonesboro Municipal Code (ORD 12:009);
3. A copy of Part I, Chapter 70, Article III, Division 3, General Sewer Use Ordinance of the Jonesboro Municipal Code (ORD 12:010);
4. A list of National Categorical Pretreatment Standards which may apply to your wastewater discharge (included within the application); and
5. The current Schedule of CWL Laboratory Charges.

If you have any questions concerning this notification, the application or the Industrial Wastewater Discharge Permit, please call Adam Saulsbury at (870) 930-3392.

Sincerely,

Adam Saulsbury
Pretreatment & Laboratory Coordinator

/: Enclosures

APPENDIX H

**Industrial Wastewater Discharge Permit Application and Instructions
for SIUs**



Industrial Wastewater Discharge Permit Application Instructions
City Water and Light (CWL) Industrial Pretreatment Program
Jonesboro, AR

This application for an Industrial Wastewater Discharge Permit must be completed and returned to:

City Water & Light Laboratory
Attention: Adam Saulsbury
PO Box 1289
Jonesboro, AR 72403-1289

For Existing Services Reapplying for an Existing Expiring Permit:

In accordance with Section 70-90 (8) of the Jonesboro Municipal Code, this permit application must be completed and returned at least 60 days prior to the expiration of your existing permit.

For Existing Services Applying for a New Permit:

In accordance with Section 70-89 (3) of the Jonesboro Municipal Code, this permit application must be completed and returned within 90 days of receipt. Existing services shall not continue discharging to the collection system after 180 days after receipt of this notification, except in accordance with an issued Industrial Wastewater Discharge Permit.

For New Services:

In accordance with Section 70-89 (4) of the Jonesboro Municipal Code, this permit application must be returned at least 90 days prior to the date upon which any discharge to the CWL sanitary sewer collection system will begin or recommence, unless the 90 day period is otherwise waived by CWL.

Thank you for your cooperation.

General Instructions

These instructions are designed to assist you in completing the CWL Industrial Wastewater Discharge Permit Application. If you have any questions concerning the application process, contact Adam Saulsbury, CWL Pretreatment/Laboratory Coordinator, at (870) 930-3392.

Please make certain that all questions applicable to your facility are completed. You may request that certain information be kept confidential, subject to the provisions set forth in Section 70-93 of the Jonesboro Municipal Code. Confidential information may be included on separate sheets if preferred. CWL will, however, reserve the right to determine what information is to 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.

Return the PERMIT APPLICATION ONLY to CWL. This guide may be discarded.

Part I. General Information

New or Existing Application

Indicate if this application is for a new or existing Industrial Wastewater Discharge Permit. If your facility is applying for a reissuance of an existing expiring permit, please provide the permit number and expiration date.

Company Name

Indicate the name that is used for official company transactions.

Mailing Address

The mailing address should be the address where all mail pertaining to this permit application or other pretreatment correspondence should be sent.

Site Address

The site address is the physical address of the plant or facility for which the permit application is being submitted.

Authorized or Duly Approved Representative

The Authorized Representative shall be a representative of the company with the authority to sign on behalf of the company for the particular facility to which this permit application pertains and certify the accuracy of information provided on official documents. Those persons who may be assigned such authority are set forth in Section 70-85 (4) of the Jonesboro Municipal Code. Please provide name, title, and contact information.

Contact Person

Often a person within the company, such as the facility engineer, is assigned the responsibility of dealing with matters concerning wastewater disposal. The name, title, and contact information for this alternate person should be provided.

Corporate Contact Person

Provide the name, title, and contact information of an alternate corporate contact person, if applicable, who assists your facility with regards to matters concerning wastewater disposal.

SIC/NAICS Codes

List the Standard Industrial Classification (SIC) code according to the Standard Industrial Classification Manual, Bureau of the Budget, published 1986, or list the North American Industrial Classification System (NAICS) code which best describes the various products or services which your facility provides. If you are not sure of your SIC/NAICS code, contact the local Employment Security Division office at (870) 935-5594.

Environmental Permits

Indicate if any environmental permits are held by or for your facility, including an NPDES (National Pollutant Discharge Elimination System) permit.

Part II. Water Usage

Water Usage for Process Purposes

Describe all water usages other than those used for domestic purposes (e.g. toilet facilities, showers, drinking water fountains, and lavatories) or noncontact cooling at your facility.

Part III. Operational Characteristics of Facility

Primary Operations

Describe the primary operations (manufacturing or service activities), which take place at the facility 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

Principle Products or Services

List your facility's principle product(s) or service(s), which will convey a general idea of the operations you perform. Describe products manufactured or assembled at your facility, including each product by type and amount.

Seasonal Production

During summer months, a facility may make antifreeze for sale during fall and winter. During the winter months, the same facility may manufacture charcoal lighter fluid. Operations such as these are considered seasonal. For facilities with seasonal variations in their manufacturing processes, itemize the products and months of peak production for those products.

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 considered 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 number of batches made during a typical production month and divide by the average number of workdays per month.

Raw Materials

Describe raw materials used at your facility, listing each product by type and amount.

Process Wastestreams

List each source of wastewater. Describe the processes which produce wastewater and the general types of pollutants found in each wastewater stream. For example, if your operations deal with finishing metal using water, you might list the following:

Plating small component parts: producing cyanide, copper, cadmium, zinc, nickel, chromium, silver, and wastewater with a pH less than 6 or greater than 10

Paint line: producing caustics, zinc, chrome, lead, fats, oils, and greases, and volatile hydrocarbons

Process and Drainage Drawing

Provide a legible drawing as a supplement to this form, illustrating your facility's layout, including existing or proposed pretreatment processes, lines, and drainage system including manholes and floor drains on the facility property, as well as the location of monitoring and sampling facilities. Show the location and size of all outfall lines from the facility and the location of connection(s) with the sewer system. Furnish details regarding existing or proposed sampling facilities and flow measuring devices.

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. Wastewater Flow

Wastestream Quantities

- a. List the average and maximum daily total wastewater flows (in gallons per day) from processes which generate wastewater other than domestic sewage (*e.g.* toilet facilities, showers, drinking fountains, lavatories) and noncontact cooling water. If your industry is subject to National Categorical Pretreatment Standards, list the process flows as defined by the applicable Standards. If wastewater is generated from multiple process wastestreams, individually list each average and maximum daily process wastewater flow by attaching additional sheets to this application.
- b. List the average and maximum daily total wastewater flows (in gallons per day) to the CWL Wastewater Collection System. This information may be obtained from CWL water consumption records or actual flow measurements of the wastewater effluent.

Variations in Wastewater

Indicate if wastewater volume or characteristics experience periodic or seasonal variations and if so, describe the reason for such variations.

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

Pollutants Concentrations, Including Priority Pollutants

List the concentration of all pollutants detected or anticipated to be present in your wastewater, including but not limited to BOD (Biochemical Oxygen Demand), TSS (Total Suspended Solids), FOG (Fats, oils, and grease) indicated and Priority Pollutants listed in **Table 1** herein, as well as pH. The data submitted shall be current and accurately reflect the present composition of the wastewater in question. List the dates of the sample or indicate if the data is the average of a number of samplings. If the sample was a composite of samplings, indicate how many hours or days were represented in the sample.

The list of Priority Pollutants set forth in **Table 1** is designated by EPA pursuant to 307(a) (i) of the Clean Water Act and taken from 40 CFR (Code of Federal Regulations) 401.15. Some of the compounds in this list may be known by brand or trade names. Appendix A to this document lists chemical compounds for pollutants that have commonly used synonyms.

To obtain the required information for this section, a review of the substances or materials used in or generated by your manufacturing or service activities is necessary. Many of the substances are ingredients of materials in common use. 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, as well as carefully reviewing all product labels.

For this item, indicate chemical compounds known to be present. If any recent data analyses have been performed on the wastewater discharges from your facility (other than those analyses conducted by CWL), these results should be attached.

The frequency and extent of sampling, testing, and reporting required will be determined upon receipt of a completed Industrial Wastewater Discharge Permit Application.

On-site Chemicals and Products

List all chemicals and products located on-site that may come into contact with water or otherwise be discharged to the CWL wastewater collection system, either accidentally or intentionally, including chemicals used in the production process, cleaning products, or otherwise stored at your facility.

Spill Prevention Plan

Facilities with substantial quantities of oil or hazardous substances stored on the premises should have spill control measures in place to prevent such substances from causing environmental damage if spilled. You should determine if any potentially hazardous substances are present at your facility and evaluate the need for planning and control systems.

Spill Disposal

Indicate how spills are disposed of at your facility. Section 70-87 of the Jonesboro Municipal Code sets forth pollutants, substances, and wastewater which are specifically prohibited from being introduced into the collection system.

Wastewater Pretreatment

Indicate any form of wastewater pretreatment practiced at your facility. Information provided concerning wastewater pretreatment should include any equipment/process used to remove or reduce solids, grease, or other materials prior to discharge to the sewer system. Examples include: oil/grease interceptors, filters, and settling tanks.

Pretreatment Facility Hours

Consider each shift on the basis of normal starting time with three shifts possible per 24-hour day. For each shift, indicate the actual or proposed hours of operation for any wastewater treatment systems at your facility.

National Categorical Pretreatment Standards

If your industry includes operational processes listed in **Table 2**, it is subject to applicable National Categorical Pretreatment Standards. If your industry is subject to any of these federal Pretreatment Standards, please indicate these activities on **Table 2**. If your industry is not subject to these standards, proceed to the next question.

If you are unsure if your facility's industrial operations are subject to National Categorical Pretreatment Standards, contact the local Employment Security Division Office at (870) 935-5594.

Best Management Practices (BMPs)

Indicate if your facility is subject to BMPs or pollution prevention alternatives, as established in a National Categorical Standard or other Pretreatment Standard. If the answer is yes, please list the BMPs required at your facility for compliance.

Part VI. Pollution Prevention Activities

Indicate if your facility practices pollutant prevention activities and, if so, specifically which activities are practiced. A list of common pollution prevention activities is included.

Indicate if your facility has a written pollution prevention plan.

Certification

The Authorized or Duly Approved Representative, as defined by Section 70-85 (4) of the Jonesboro Municipal Code, should sign and date the certification statement after reviewing the contents of the completed permit application.



Industrial Wastewater Discharge Permit Application
City Water and Light (CWL) Industrial Pretreatment Program
Jonesboro, AR

<p><u>CWL use only:</u> Date permit application mailed to the Industrial User: ___/___/___ Date completed permit application received by CWL: ___/___/___</p>

Please complete the following:

I. General Information

- 1) Check one:
 Permit application for renewal of an existing permit.
 Current Permit Number: ___ - ___
 Current Permit Expiration Date: ___/___/___
 Application for a new permit

- 2) Company Name: _____

- 3) Mailing Address: _____
 City, State/ZIP Code: _____

- 4) Site Address: _____
 City, State/ZIP Code: _____

- 5) Authorized or Duly Approved Representative
 Name: _____
 Title: _____
 Telephone Number: (____) ____ - ____
 Fax Number: (____) ____ - ____
 Email: _____

- 6) Contact Person
 Name: _____
 Title: _____
 Telephone Number: (____) ____ - ____
 Fax Number: (____) ____ - ____
 Email: _____

- 7) Corporate Contact Person
 Name: _____
 Title: _____
 Telephone Number: (____) ____ - ____
 Fax Number: (____) ____ - ____
 Email: _____

8) Standard Industrial Classification Code: _____
North American Industrial Classification System Code: _____

9) List any environmental control permits held by or for the facility:

10) Does your establishment have a current NPDES (National Pollutant Discharge Elimination System) Permit?
 No
 Yes, the NPDES permit number is: _____

II. Water Usage

11) Describe in detail any water usages other than for domestic or noncontact cooling water purposes. Attach additional sheets as necessary.

III. Operational Characteristics of Facility (Attach additional sheets as necessary)

12) Briefly describe the primary operations (manufacturing or service activities) performed on the premises.

13) Describe the nature and average rate of production operations, including principle products manufactured or assembled at the facility by type and amount or services provided by your industrial application, if appropriate:.

14) Indicate any seasonal or periodic changes in these operations of production.

15) Indicate if production operations are batch or continuous processes. For batch processes, estimate the average number of batch operations in a day.

16) Describe the type and amount of raw materials used at the facility.

17) List each source of wastewater, describing processes which produce wastewater and the general type of pollutants (detergents, grease, wood shavings, cleaning agents, metal particles, food particles, etc.) in each wastewater stream. Attach extra sheets of paper if necessary to provide complete information.

18) Provide a legible drawing of facility processes and wastewater lines (including the location of all floor drains). Include a schematic process diagram of existing or proposed pretreatment systems, the location and sizes of all existing and proposed connections to the CWL wastewater collection system, and the details of existing or proposed monitoring access facilities.

19) Production Shift Information

Average number of employees per shift 1st 2nd 3rd
 Starting times of each shift 1st 2nd 3rd

Shifts normally worked daily:

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
1 st :	_____	_____	_____	_____	_____	_____	_____
2 nd :	_____	_____	_____	_____	_____	_____	_____
3 rd :	_____	_____	_____	_____	_____	_____	_____

IV. Wastewater Flow

20) Quantity of Wastewater Discharged to CWL Collection System (Estimate if new facility):
 If your industry is subject to National Categorical Pretreatment Standards, list the process flows as defined by the applicable Standards. If wastewater is generated from multiple process wastestreams, individually list each average and maximum daily process wastewater flow by attaching additional sheets to this application.

Flow (gallons per day)

	<u>Actual*</u>	<u>Estimated</u>
a. <u>Wastestreams – Process Only</u>		
Average Daily Wastewater Flow Rate	_____	_____
Maximum Daily Wastewater Flow Rate	_____	_____
b. <u>Wastestreams – Process and Sanitary</u>		
Average Daily Wastewater Flow Rate	_____	_____
Maximum Daily Wastewater Flow Rate	_____	_____

*Actual flow as based on CWL water consumption records or actual flow measurements of the wastewater effluent.

21) List any periodic or seasonal variations in wastewater flow or characteristics and describe the reason for such variations:

22) Indicate if the discharges to the sewer are:

- () Intermittent
- () Constant

23) If intermittent, describe (holding tank, sump pumps, lift stations, flow rates, etc.):
 Attach extra sheets of paper if necessary to provide complete information.

V. Wastewater Quality and Pretreatment

24) Wastewater Parameter Concentrations

Indicate the concentration present of **any** pollutants in your facility's wastewater, including but not limited to the Priority Pollutants listed in **Table 1** herein, which are known to be present in process wastestreams at your facility, either in the manufacturing of the product or as a by-product of your process which may enter the sewer collection system. Attach additional sheets as needed. Appendix A to this document lists chemical compounds for pollutants that have commonly used synonyms.

If actual monitoring results reported herein are based on wastewater data provided outside of CWL Laboratory analyses, attach the results to this application. Sampling shall be representative of daily operations. List the sample date for single samples or indicate if the data reported is the average of multiple samplings. If the sample was a composite of multiple samplings, indicate how many hours or days were represented in the sample.

<u>Parameter</u>	<u>Units</u>		<u>Monitoring results</u>		<u>Sample Date</u>
			<u>Actual</u>	<u>Estimated*</u>	
<u>BOD₅</u>	<u>mg/L</u>	30 Day Average	_____	_____	_____
		1 Day Maximum	_____	_____	_____
<u>TSS</u>	<u>mg/L</u>	30 Day Average	_____	_____	_____
		1 Day Maximum	_____	_____	_____
<u>FOG</u>	<u>mg/L</u>	30 Day Average	_____	_____	_____
		1 Day Maximum	_____	_____	_____
<u>pH</u>	<u>S.U.</u>	30 Day Average	_____	_____	_____
		1 Day Maximum	_____	_____	_____
_____	_____	30 Day Average	_____	_____	_____
		1 Day Maximum	_____	_____	_____
_____	_____	30 Day Average	_____	_____	_____
		1 Day Maximum	_____	_____	_____

_____	_____	30 Day Average	_____	_____	_____
		1 Day Maximum	_____	_____	_____
_____	_____	30 Day Average	_____	_____	_____
		1 Day Maximum	_____	_____	_____
_____	_____	30 Day Average	_____	_____	_____
		1 Day Maximum	_____	_____	_____
_____	_____	30 Day Average	_____	_____	_____
		1 Day Maximum	_____	_____	_____
_____	_____	30 Day Average	_____	_____	_____
		1 Day Maximum	_____	_____	_____
_____	_____	30 Day Average	_____	_____	_____
		1 Day Maximum	_____	_____	_____
_____	_____	30 Day Average	_____	_____	_____
		1 Day Maximum	_____	_____	_____
_____	_____	30 Day Average	_____	_____	_____
		1 Day Maximum	_____	_____	_____
_____	_____	30 Day Average	_____	_____	_____
		1 Day Maximum	_____	_____	_____

**Estimates should be based upon historical data for existing facilities or comparable existing technology for new facilities.*

Table 1: Priority Pollutants Designated pursuant to 307(a) (1) of the Clean Water Act and listed in 40 CFR 401.15 (Published 1979, amended 1981)

EPA Regulated Priority Pollutants

A. Metals and Cyanide

- 001. Antimony, total, and compounds
- 002. Arsenic, total, and compounds
- 003. Beryllium, total, and compounds
- 004. Cadmium, total, and compounds
- 005. Chromium, total, and compounds
- 006. Chromium (III+), recoverable
- 007. Chromium (VI+), dissolved
- 008. Copper, total, and compounds
- 009. Lead, total, and compounds

- 010. Mercury, total, and compounds
- 011. Nickel, total, and compounds
- 013. Selenium, total, and compounds
- 014. Silver, total, and compounds
- 015. Thallium, total, and compounds
- 016. Zinc, total, and compounds
- 017. Cyanide, total

B. Dioxin

- 018. 2, 3, 7, 8-Tetrachloro-debenzo-p-dioxin (TCDD)

C. Volatile Compounds

- 019. Acrolein
- 020. Acrylonitrile
- 021. Benzene
- 022. Bromoform
- 023. Carbon Tetrachloride
- 024. Chlorobenzene
- 025. Chlorodibromomethane
- 026. Chloroethane
- 027. 2-Chloroethyl vinyl ether
- 028. Chloroform
- 029. Dichlorobromomethane
- 030. 1, 1-Dichloroethane
- 031. 1, 2-Dichloroethane
- 032. 1, 1-Dichloroethylene
- 033. 1, 2-Dichloropropane
- 034. 1, 2-Dichloropropylene (1, 3-Dichloropropene)
- 035. Ethylbenzene
- 036. Methyl Bromide (Bromomethane)
- 037. Methyl Chloride (Chloromethane)
- 038. Methylene Chloride
- 039. 1, 1, 2, 2-Tetrachloroethane
- 040. Tetrachloroethylene
- 041. Toluene
- 042. 1, 2, Trans-Dichloroethylene
- 043. 1, 1, 1-Trichloroethane
- 044. 1, 1, 2-Trichloroethane
- 045. Trichloroethylene
- 046. Vinyl Chloride

D. Acid Compounds

- 047. 2-Chlorophenol
- 048. 2, 4-Dichlorophenol
- 049. 2, 4-Dimethylphenol
- 050. 4, 6-Dinitro-o-Cresol (= 2 Methyl-4, 6-dinitrophenol)
- 051. 2, 4-Dinitrophenol
- 052. 2-Nitrophenol
- 053. 4-Nitrophenol
- 054. p-Chloro-m-Cresol (= 4-Chloro-3-methylphenol)
- 055. Pentachlorophenol
- 056. Phenol
- 057. 2, 4, 6-Trichlorophenol

E. Base Neutral Compounds

- 058. Acenaphthene
- 059. Acenaphthylene
- 060. Anthracene
- 061. Benzidine
- 062. Benzo (a) anthracene
- 063. Benzo (a) pyrene
- 064. Benzo (b) fluoranthene (3, 4-Benzofluoranthene)
- 065. Benzo (ghi) perylene
- 066. Benzo (k) fluoranthene
- 067. Bis (2-chloroethoxy) methane
- 068. Bis (2-chloroethyl) ether
- 069. Bis (2-chloroisopropyl) ether
- 070. Bis (2-ethylhexyl) phthalate
- 071. 4-Bromophenyl phenyl ether
- 072. Butyl benzyl phthalate
- 073. 2-Chloronaphthalene
- 074. 4-Chlorophenyl phenyl ether
- 075. Chrysene
- 076. Dibenzo (a,h) anthracene
- 077. 1, 2-Dichlorobenzene
- 078. 1, 3-Dichlorobenzene
- 079. 1, 4-Dichlorobenzene
- 080. 3, 3-Dichlorobenzidine
- 081. Diethyl Phthalate
- 082. Dimethyl Phthalate
- 083. Di-n-Butyl Phthalate
- 084. 2, 4-Dinitrotoluene
- 085. 2, 6-Dinitrotoluene
- 086. Di-n-octyl Phthalate
- 087. 1, 2-Diphenylhydrazine
- 088. Fluoranthene
- 089. Fluorene
- 090. Heaxachlorobenzene
- 091. Heaxachlorobutadiene
- 092. Heaxachlorocyclopentadiene
- 093. Heaxachloroethane
- 094. Indeno (1, 2, 3-cd) pyrene (= 2,3-o-phenylene pyrene)
- 095. Isophorone
- 096. Naphthalene
- 097. Nitrobenzene
- 098. N-nitrosodimethylamine
- 099. N-nitrosodi-n-propylamine
- 100. N-nitrosodiphenylamine
- 101. Phenanthrene
- 102. Pyrene
- 103. 1, 2, 4-Trichlorobenzene

F. Pesticides

- 104. Aldrin
- 105. Alpha-BHC
- 106. Beta-BHC
- 107. Gamma-BHC

- 108. Delta-BHC
- 109. Chlordane
- 110. 4, 4'-DDT
- 111. 4, 4'-DDE (p,p-DDX)
- 112. 4, 4'-DDD 9(p,p-TDE)
- 113. Dieldrin
- 114. Alpha-endosulfan
- 115. Beta-endosulfan
- 116. Endosulfan sulfate
- 117. Endrin
- 118. Endrin aldehyde
- 119. Heptachlor
- 120. Heptachlor epoxide (= BHC-hexachlorocyclohexane)
- 121. PCB-1242
- 122. PCB-1254
- 123. PCB-1221
- 124. PCB-1232
- 125. PCB-1248
- 126. PCB-1260
- 127. PCB-1016
- 128. Toxaphene

25) List all chemicals/products with MSDS information at your facility that may come into contact with water at any time or be discharged to the CWL wastewater collection system. Include any chemicals that are stored in an area adjacent to a wastestream, which may become contaminated if spilled. Attach additional sheets as needed.

<u>Chemical Name</u>	<u>Amount used per day</u>	<u>Amount Stored at Facility</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

26) Is there a spill prevention control plan in effect at this facility?

- () Yes
- () No

27) Briefly describe the manner in which spills (chemicals, food wastes, etc.) are disposed.

28) Describe any wastewater treatment equipment or processes employed at your facility, if applicable (use additional sheets of paper as necessary):

29) What are the proposed/actual hours of operation of any pretreatment systems at your facility, if applicable?

<u>Shift</u>	<u>Sun</u>	<u>Mon</u>	<u>Tue</u>	<u>Wed</u>	<u>Thu</u>	<u>Fri</u>	<u>Sat</u>
1 st :	__ to __	__ to __	__ to __	__ to __	__ to __	__ to __	__ to __
2 nd :	__ to __	__ to __	__ to __	__ to __	__ to __	__ to __	__ to __
3 rd :	__ to __	__ to __	__ to __	__ to __	__ to __	__ to __	__ to __

30) Is this facility subject to an existing EPA National Categorical Pretreatment Standard?

- () Yes
 () No

If you are unsure of your categorical status, see **Table 2** below for a list of Industrial Categories subject to National Categorical Pretreatment Standards. If your operations include any of the activities or processes listed in **Table 2**, you are subject to the standards for that Industrial Category.

NOTE:

If you answered **NO** to the above question, skip the next question.

If you answered **YES** to the above question, proceed to the next question.

31) Indicate which Industrial Categories apply to your facility by placing a checkmark by the applicable Categories listed in **Table 2**:

Table 2: Industrial Categories Subject to National Categorical Pretreatment Standards

() Aluminum Forming	40 CFR Part 467
() Asbestos Manufacturing	40 CFR Part 427
() Battery Manufacturing	40 CFR Part 461
() Canned and Preserved Fruits and Vegetable Processing	40 CFR Part 407
() Canned and Preserved Seafood (Seafood Processing)	40 CFR Part 408
() Carbon Black Manufacturing	40 CFR Part 458
() Cement Manufacturing	40 CFR Part 411
() Centralized Waste Treatment	40 CFR Part 437
() Coal Mining	40 CFR Part 434
() Coil Coating	40 CFR Part 465
() Concentrated Animal Feeding Operations (CAFO)	40 CFR Part 412
() Concentrated Aquatic Animal Production	40 CFR Part 451
() Copper Forming	40 CFR Part 468
() Dairy Products Processing	40 CFR Part 405
() Electrical & Electronic Components	40 CFR Part 469
() Electroplating	40 CFR Part 413
() Explosives Manufacturing	40 CFR Part 457
() Ferroalloy Manufacturing	40 CFR Part 424
() Fertilizer Manufacturing	40 CFR Part 418

<input type="checkbox"/> Glass Manufacturing	40 CFR Part 426
<input type="checkbox"/> Grain Mills Manufacturing	40 CFR Part 406
<input type="checkbox"/> Gum and Wood Chemicals	40 CFR Part 454
<input type="checkbox"/> Hospitals	40 CFR Part 460
<input type="checkbox"/> Ink Formulating	40 CFR Part 447
<input type="checkbox"/> Inorganic Chemicals	40 CFR Part 415
<input type="checkbox"/> Iron and Steel Manufacturing	40 CFR Part 420
<input type="checkbox"/> Landfills	40 CFR Part 445
<input type="checkbox"/> Leather Tanning and Finishing	40 CFR Part 425
<input type="checkbox"/> Meat and Poultry Products	40 CFR Part 432
<input type="checkbox"/> Metal Finishing	40 CFR Part 433
<input type="checkbox"/> Metal Molding and Casting (Foundries)	40 CFR Part 464
<input type="checkbox"/> Metal Products and Machinery	40 CFR Part 438
<input type="checkbox"/> Mineral Mining and Processing	40 CFR Part 436
<input type="checkbox"/> Nonferrous Metals Forming and Metal Powders	40 CFR Part 471
<input type="checkbox"/> Nonferrous Metals Manufacturing	40 CFR Part 421
<input type="checkbox"/> Oil and Gas Extraction	40 CFR Part 435
<input type="checkbox"/> Ore Mining and Dressing (Hard Rock Mining)	40 CFR Part 440
<input type="checkbox"/> Organic Chemicals, Plastics, and Synthetic Fibers	40 CFR Part 414
<input type="checkbox"/> Paint Formulating	40 CFR Part 446
<input type="checkbox"/> Paving and Roofing (Tars and Asphalt)	40 CFR Part 443
<input type="checkbox"/> Pesticides Chemicals Manufacturing, Formulating & Packaging	40 CFR Part 455
<input type="checkbox"/> Petroleum Refining	40 CFR Part 419
<input type="checkbox"/> Pharmaceutical Manufacturing	40 CFR Part 439
<input type="checkbox"/> Phosphate Manufacturing	40 CFR Part 422
<input type="checkbox"/> Photographic	40 CFR Part 459
<input type="checkbox"/> Plastics Molding and Forming	40 CFR Part 463
<input type="checkbox"/> Porcelain Enameling	40 CFR Part 466
<input type="checkbox"/> Pulp, Paper and Paperboard	40 CFR Part 430
<input type="checkbox"/> Rubber Manufacturing	40 CFR Part 428
<input type="checkbox"/> Soaps and Detergents Manufacturing	40 CFR Part 417
<input type="checkbox"/> Steam Electric Power Generating	40 CFR Part 423
<input type="checkbox"/> Sugar Processing	40 CFR Part 409
<input type="checkbox"/> Textile Mills	40 CFR Part 410
<input type="checkbox"/> Timber Products Processing	40 CFR Part 429
<input type="checkbox"/> Transportation Equipment Cleaning	40 CFR Part 442
<input type="checkbox"/> Waste Combustors	40 CFR Part 444

32) Is your facility required to comply with BMPs (Best Management Practices) or pollution prevention alternatives, as set forth by National Categorical Standards or other Pretreatment Standards? If yes, please describe the BMPs required for compliance.

- No
 Yes

Explain: _____

VI. Pollution Prevention Activities

33) Does your facility practice Pollution Prevention?

- Yes
 No

34) If yes, please indicate which of the following Pollution Prevention Activities are practiced:

Spill and Leak Prevention Procedures

Explain: _____

Water Reuse

Explain: _____

Cost accounting to track savings

Explain: _____

Inventory Control

Explain: _____

Employee Training

Explain: _____

Spent Solvent Reclamation

Explain: _____

Recycle Paper, Aluminum, Boxes, and Pallets

Explain: _____

Recycle Waste Oil, Solvents, and Lubricants

Explain: _____

Other _____

Explain: _____

35) Does this facility have a written Pollution Prevention Plan?

Yes

No

Certification Statement

36) Sign and date the following certification by an Authorized or Duly Approved Representative, as defined in Section 70-85 (4) of the Jonesboro Municipal Code. Failure to certify will result in denial of permit.

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

Certified by: _____ Date: _____
(Authorized Representative)

Title: _____

Appendix A: Priority Pollutant Synonym Listing

<u>Chemical Compound</u>	<u>Synonym</u>
benzo (a) anthracene	1,2-benzanthracene 2,3-benzphenanthrene
benzo (a) pyrene	3,4-benzopyrene
benzo (g, h, i) perylene	1,12-benzoperylene
benzo (k) fluoranthene	11,12-benzofluoranthene
g-BHC	lindane
bis (2-chloroethyl) ether	2,2'-dichloroethyl ether
bis (2-chloroethoxy) methane	2,2'-dichloroethoxy methane
bis (2-chloroisopropyl) ether	2,2'-dichloroisopropyl ether
bis (chloromethyl) ether	(sym)dichloromethyl ether
bis (2-ethylhexyl) phthalate	2, 2'-diethylhexyl phthalate
bromodichloromethane	dichlorobromomethane
bromoform	tribromomethane
bromomethane	methyl bromide
carbon tetrachloride	tetrachloromethane
4-chloro-3-methylphenol	para-chloro-meta-cresol
chloroethane	ethylchloride
chloroform	trichloromethane
chloromethane	methyl chloride
2-chlorophenol	para-chlorophenol
chrysene	1,2-benzphenanthrene
4, 4' -DDD	dichlorodipenyldichloroethane p,p' -TDE tetrachlorodiphenylethane
4,4' -DDE	dichlorodipenyldichloroethane p,p' -DDX
4,4' -DDT	dichlorodiphenyl trichloroethane
dibenzo(a,h)anthracene	1,2,5,6-dibenzanthracene
dibromochloromethane	chlorodibromomethane
1,2-dichlorobenzene	ortho-dichlorobenzene
1,3-dichlorobenzene	meta-dichlorobenzene
1,4-dichlorobenzene	para-dichlorobenzene
dichlorodifluoromethane	difluorodichloromethane fluorocarbon-12
1,1-dichloroethane	ethylidene chloride
1,2-dichloroethane	ethylene chloride ethylene dichloride
1,1-dichloroethene	1,1-dichloroethylene
(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-xlenol
di-n-octyl phthalate	di (2-ethylhexyl)phthalate
4,6-dinitro-2-methylphenol	4,6-dinitro-ortho-cresol
1,2-diphenylhydrazine	hydrazobenzene
endosulfan I	a-endosulfan-alpha
endosulfan II	b-endosulfan-beta
fluorene	(alpha)-diphenylene methane
hexachlorobenzene	perchlorobenzene
hexachlorocyclopentadiene	perchlorocyclopentadiene

hexachloroethane	perchloroethane
indeno(1,3,3-cd)pyrene	2,3-ortho-phenylene pyrene
isophorone	3,5,5-trimethyl-2-cyclohexen-1-one
methylene chloride	dichloromethane
2-nitrophenol	para-nitrophenol
4-nitrophenol:	ortho-.nitrophenol
N-nitrosodimethylamine	dimethyl-nitrosoamine
N-nitrosodipropylamine	N-nitroso-di-n-propylamine
N-nitrosodiphenylamine	diphenyl-nitrosomine
PCB-1016	Arochlor-1016
PCB-1221	Arochlor-1221
PCB-1232	Arochlor-1232
PCB-1242	Arochlor-1242
PCB-1248	Arochlor-1248
PCB-1254	Arochlor-1254
PCB-1260	Arochlor-1260
2,3,7,8-tetrachlorodibenzo-p-dioxin	TCDD
1,1,2,2-tetrachloroethane	acetylene tetrachloride
tetrachloroethene.	perchloroethylene tetrachloroethylene
toluene	methylbenzene toluol
1,1,1-trichloroethane	methyl chloroform
1,1,2-trichloroethane	vinyl trichloride
trichloroethene	trichloroethylene
trichlorofluoromethane	fluorocarbon-11 fluorotrichloromethane
vinyl chloride	chloroethene chloroethylene

APPENDIX H

**Industrial Wastewater Discharge Permit Application and Instructions
for Non-Significant Industrial Users
(Car Washing Facilities)**



Industrial Wastewater Discharge Permit Application Instructions
Commercial Car/Truck Washes: New Facility and Modifications to Existing Facilities
City Water & Light (CWL) Industrial Pretreatment Program
Jonesboro, AR

1. This permit application is for commercial car/truck washes wishing to obtain a permit to discharge process wastewater to the CWL wastewater collection system. This application process applies to new car washes and existing car washes making modifications to their facility, such as modifying the plumbing.
2. Businesses may, at their option, obtain a General NPDES Permit (ARG750000) from the Arkansas Department of Environmental Quality (ADEQ) to discharge wastewater directly to the waters of the State of Arkansas instead of an Industrial Wastewater Discharge Permit from CWL.
3. The permit application must be completed and submitted for review. The application submission must include the sand trap design for the facility and a site plan of any proposed improvements.
4. A permit number for installation will not be issued until all documents are submitted and approved by CWL. Upon approval, a permit number will be issued for construction and/or installation.
5. **Car/Truck washes must comply with the following installation requirements and the specifications of the sand trap diagram provided by CWL within this application. The completed installation must be inspected and approved by CWL prior to sanitary services being provided or electrical services connected.**
6. Car/Truck washes connecting to the CWL wastewater collection system must install a standard sand trap and sampling facility on their wastewater discharge line upstream of any sanitary sewer connections with the CWL wastewater collection system. A sand trap diagram (approved for 20 gpm or less), including the sampling facility, is enclosed with this application. For car washes with peak flows of greater than 20 gpm, sand traps must be designed and submitted with the application for review and approval.
7. Car/Truck washes connecting to the CWL wastewater collection system must be covered and curbed, so that stormwater and/or surface water does not enter the wastewater collection system.
8. **Car/Truck washes connecting to the CWL wastewater collection system must either install a dedicated water meter to specifically measure water flows to the wash only or complete the Water Meter Certification Statement in the Permit Application certifying that any applicable CWL Laboratory charges will be based on 100 percent of the water meter reading.**

9. This application form for an Industrial Wastewater Discharge permit, including proposed sand trap design and any applicable site plan of improvements, must be completed, signed, and returned to:

City Water & Light Laboratory
Attention: Adam Saulsbury
P.O. Box 1289
Jonesboro, Arkansas 72403-1289

If you have any questions about this application, contact:

Adam Saulsbury
Pretreatment & Laboratory Coordinator
Phone: 870.930.3392
Fax: 870.931.9846
E-mail: asaulsbury@jonesborocwl.org



Industrial Wastewater Discharge Permit Application
 Commercial Car/Truck Washes: New and Structural Modifications
 City Water & Light (CWL) Industrial Pretreatment Program
 Jonesboro, AR

Standard Industrial Classification Code Number (7542)
 NAIC Industrial Classification Code Number (811192)

<p><u>CWL use only:</u></p> <p>Date permit application mailed to the Industrial User: ___/___/___</p> <p>Date completed permit application received by CWL: ___/___/___</p> <p>Date completed permit application approved by Laboratory: ___/___/___</p> <p>Date completed permit application approved by Water & Sewer Department: ___/___/___</p> <p>Date completed permit application faxed to Water & Sewer Department: ___/___/___</p>

Please complete the following:

- 1) Check one:
 - Permit application for the renewal of an existing permit
 Current Permit Number: _____
 Current Permit Expiration Date: ___/___/___
 - Application for a new permit

- 2) Company Name: _____

- 3) Mailing Address: _____
 City, State/ZIP Code: _____

- 4) Site Address: _____
 City, State/ZIP Code: _____

- 5) Authorized or Duly Approved Representative
 - Name: _____
 - Title: _____
 - Telephone Number: _____
 - Fax Number: _____
 - Email: _____

- 6) Contact Person
 - Name: _____
 - Title: _____
 - Telephone Number: _____
 - Fax Number: _____
 - Email: _____

7) Quantity of Wastewater Discharged to CWL Collection System (Estimate if new facility):

<u>Wastewater Flow</u>	<u>Actual*</u>	<u>Estimated</u>
Average Daily Wastewater Flow Rate (gallons per day)	_____	_____
Maximum Daily Wastewater Flow Rate (gallons per day)	_____	_____
Instantaneous Peak Flow (gallons per minute)	_____	_____

**Actual flow as based on CWL water consumption records or actual flow measurement of the wastewater effluent.*

8) What are the hours of operation at your facility?

<u>Shift</u>	<u>Hours</u>	<u>Day of the Week</u>						
		<u>Mon</u>	<u>Tue</u>	<u>Wed</u>	<u>Thu</u>	<u>Fri</u>	<u>Sat</u>	<u>Sun</u>
1 st :	_____ to _____	()	()	()	()	()	()	()
2 nd :	_____ to _____	()	()	()	()	()	()	()
3 rd :	_____ to _____	()	()	()	()	()	()	()

9) Wastewater Parameter Concentrations

Indicate the concentration of wastewater pollutants and pollutant parameters at your facility below, as well as the grab sample date. If actual monitoring results reported herein are based on wastewater data provided outside of CWL Laboratory analyses, attach the results to this application. Sampling shall be representative of daily operations.

<u>Parameter</u>	<u>Units</u>		<u>Monitoring results</u>		<u>Sample Date</u>
			<u>Actual</u>	<u>Estimated*</u>	
_____ Temperature _____	°F	1 Day Maximum	_____	_____	_____
_____ FOG _____	mg/L	1 Day Maximum	_____	_____	_____
_____ pH _____	S.U.	1 Day Maximum	_____	_____	_____

**Estimates should be based on historical data for existing facilities or projections for new facilities*

- 10) If a separate dedicated water meter is not installed specifically to measure water flows to the wash only, the following certification statement must be completed:

Water Meter Certification Statement

An Authorized Representative of the Industrial User, as defined by Section 70-85 (4) of the Jonesboro Municipal Code, must certify this water meter statement. Failure to certify will result in denial of permit.

"I understand that by not installing a separate water meter specifically to measure water flows to the wash only, any applicable CWL Laboratory charges will be based on 100 percent of the water meter reading."

Certified by: _____ Date: _____
(Authorized Representative)

Title: _____

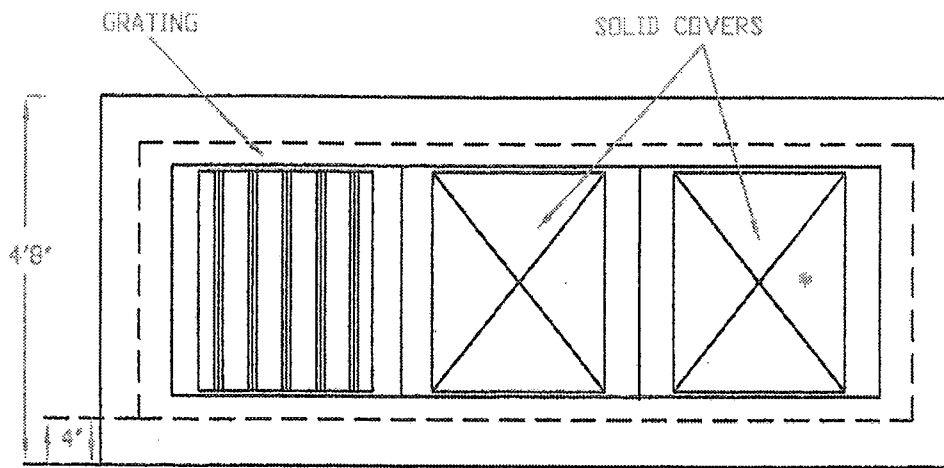
Certification Statement

This permit application must be certified by an Authorized Representative of the Industrial User, as defined in Section 70-85 (4) of the Jonesboro Municipal Code. Failure to certify will result in denial of permit.

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

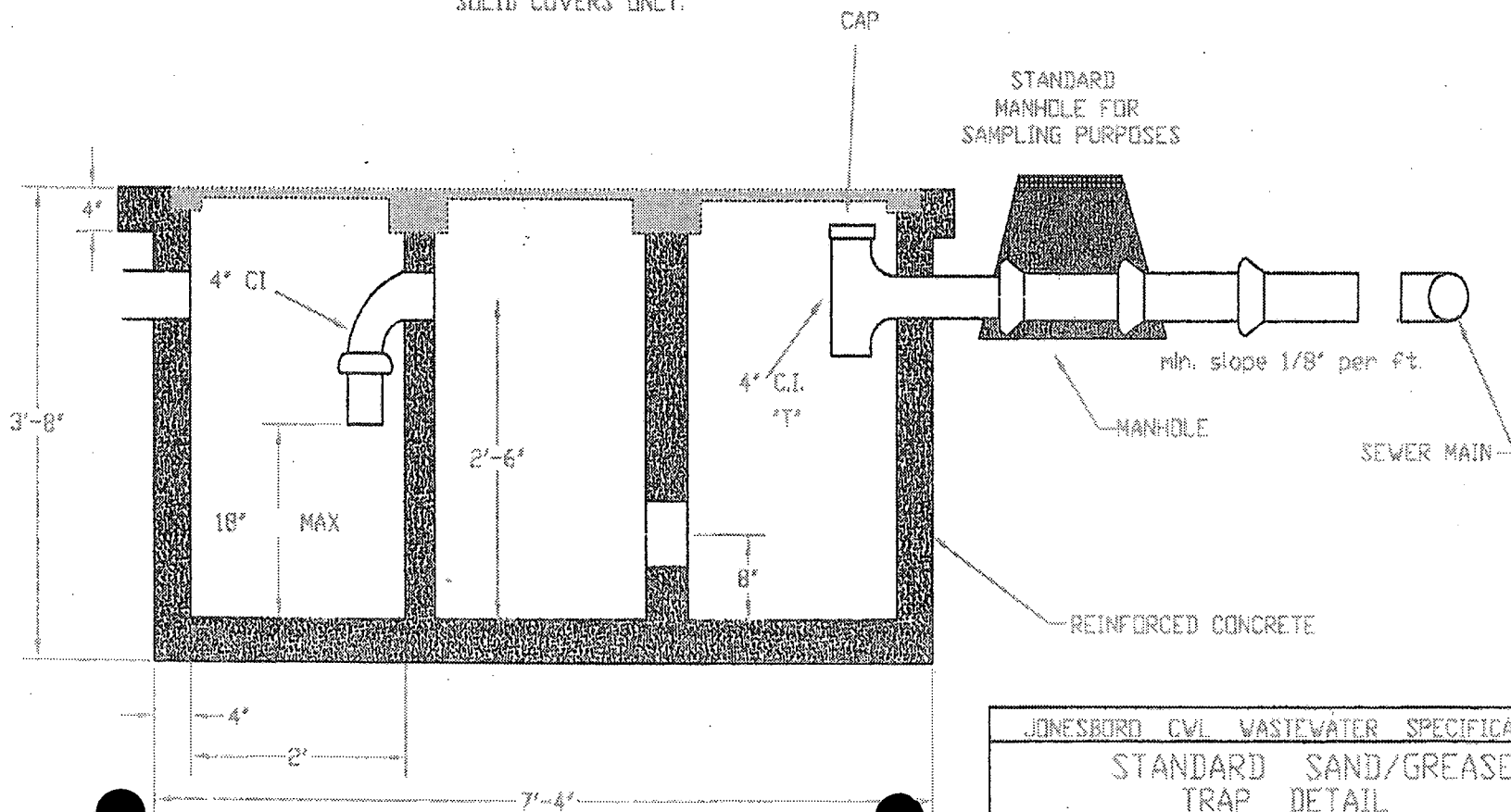
Certified by: _____ Date: _____
(Authorized Representative)

Title: _____



NOTE: THIS INSTALLATION IS APPROVED FOR FLOWS OF 20 GPM OR LESS. FLOWS ABOVE 20 GPM REQUIRE INDIVIDUAL DESIGN APPROVED BY MYRA TAYLOR.

GRATING TO BE USED ONLY WHEN UNDER ROOF. OUTSIDE INSTALLATIONS SHALL HAVE SOLID COVERS ONLY.



JONESBORO C.V.I. WASTEWATER SPECIFICATIONS	
STANDARD SAND/GREASE TRAP DETAIL	
REVISED 11/10/08	

APPENDIX H

Notification of Permit Renewal



(Inside Address)
Return Receipt/Certified Mail

Re: Industrial Wastewater Discharge Permit Renewal

To Whom It May Be Concerned:

Review of information regarding your industrial activities at the above premises indicates that your issued Industrial Wastewater Discharge Permit is about to expire.

For existing services reapplying for an existing expiring permit, the Pretreatment Ordinance requires that you reapply to City Water and Light for an Industrial Wastewater Discharge Permit **a minimum of sixty (60) days** prior to the expiration of your existing permit, in accordance with Section 70-89 (8) of the Jonesboro Municipal Code.

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

1. Application for an Industrial Wastewater Discharge Permit;
2. A copy of Part I, Chapter 70, Article III, Division 2, Sewer Use – Pretreatment Ordinance of the Jonesboro Municipal Code (ORD 12:009);
3. A copy of Part I, Chapter 70, Article III, Division 3, General Sewer Use Ordinance of the Jonesboro Municipal Code (ORD 12:010);
4. A list of National Categorical Pretreatment Standards which may apply to your wastewater discharge (included within the application); and
5. The current Schedule of CWL Laboratory Charges.

If you have any questions concerning this notification, the application or the Industrial Wastewater Discharge Permit, please call Adam Saulsbury at (870) 930-3392.

Sincerely,

Adam Saulsbury
Pretreatment & Laboratory Coordinator

/: Enclosures

APPENDIX I

Industrial Wastewater Discharge Permit
Significant Industrial User



Significant Industrial User
Industrial Wastewater Discharge Permit
Permit Number: XXX-XX

In compliance with the provisions and conditions of Part I, Chapter 70, Article III, Division 2, Sewer Use - Pretreatment Ordinance 12:009 of the Jonesboro Municipal Code, hereafter referred to as the Pretreatment Ordinance, and also with any applicable provisions of Federal, State of Arkansas, and local laws or regulations, including all applicable City Water and Light (CWL) regulations:

Company Name
Site Address:

Jonesboro, Arkansas 7240X

hereby known as the Permittee, is authorized to discharge industrial wastes from activities classified by SIC Code ##### or NAIC code ##### from the premises located at the above address into CWL's Wastewater Collection System in accordance with the application for permit submitted to CWL on month, day, year; effluent limitations, including BMPs; monitoring requirements; and permit conditions set forth herein.

This permit shall become effective month, day, year.

This permit and its authorization to discharge shall expire at midnight, month, day, year.

This permit is not transferable to persons, companies, or processes other than to which it is originally issued without prior notification to and approval from the Manager of CWL in accordance with Section 70-90 (5) of the Pretreatment Ordinance and provisions furnishing the new owner or operator with a copy of the existing industrial wastewater discharge permit.

Signed this # day of month, year

Jake Rice, III, P.E.
General Operations Director

Part I. Effluent Limitations**Pollutant Discharge Limitations for Process Wastewater**

During the period beginning on the effective date and lasting until the date of expiration, the Permittee is authorized to discharge from Outfall Number 001. The Permittee is an Industrial User (User) that is discharging process wastewater (continuously) (intermittently by batch) from Outfall Number 001 and is regulated under the Pretreatment Ordinance and applicable provisions of Federal, State of Arkansas, and local laws or regulations, including all appropriate CWL regulations.

Such discharges from Outfall Number 001 shall be limited and monitored as specified below:

DISCHARGE LIMITATIONS					
Effluent Characteristics	Mass Loading (lb/day, unless otherwise specified)	Concentration (mg/L, unless otherwise specified)		Monitoring Requirements	
	Daily	Daily	Monthly Average	Frequency {3}	Sample Type
Flow {4}	Report only			Daily	N/A
Total Flow	N/A	##### gpd	##### gpd	Daily	N/A
Process Flow	N/A	##### gpd	##### gpd	Daily	N/A
Biochemical Oxygen Demand (BOD ₅) {5}	#####	###	###	1/month	24 Hr TC*
Total Suspended Solids (TSS) {5}	#####	###	###	1/month	24 Hr TC*
Fats, Oils & Grease (FOG) {1}	N/A	100	N/A	1/month	Grab
Temperature {1}	N/A	150°F		1/month	Grab
pH {1}	N/A	6.0 S.U. (Min.)	11.5 S.U. (Max.)	1/month	Grab

Such discharges from Outfall Number 001 are also subject to an excessive strength surcharge and excessive strength capacity charge, as set forth in Section 70-99 of the Pretreatment Ordinance as follows:

EXCESSIVE STRENGTH SURCHARGE AND CAPACITY CHARGE LIMITATIONS				
Effluent Characteristics	Concentration (mg/L, unless otherwise specified)		Monitoring Requirements	
	Daily	Monthly Average	Frequency {3}	Sample Type
Biochemical Oxygen Demand (BOD ₅) {2}	250	N/A	As required	24 Hr TC*
Total Suspended Solids (TSS) {2}	250	N/A	As required	24 Hr TC*
Fats, Oils & Grease (FOG) {2}	100	N/A	As required	Grab

*TC = Time composite

- {1} Pretreatment Ordinance
- {2} Maximum allowed without paying an excessive strength surcharge (applicable to BOD₅, TSS, and FOG), or excessive strength capacity charge (applicable to BOD₅ and TSS)
- {3} CWL will use its discretion pertaining to sampling frequency in accordance with Part II. Monitoring Requirements, paragraph (6) of this permit.
- {4} Flow shall be based on the total flow measured by CWL water meter, unless a dedicated wastewater flow-measuring device is required by CWL to be installed.
- {5} General Sewer Use Ordinance

Local Limits and Best Management Practices

To protect against pass through and interference, the Permittee may not discharge or cause to be discharged into the Publicly Owned Treatment Works (POTW) any wastewater pollutant concentration exceeding the Technically Based Local Limits (TBLLs) developed from time to time by the Manager of CWL or as required by CWL's National Pollutant Discharge Elimination System (NPDES) permits No. AR0037907 and AR0043401, authorized by 40 CFR 403.5 (c), and approved by the Arkansas Department of Environmental Quality (ADEQ).

When deemed appropriate by the Manger, specific pollutant limitations or Best Management Practices (BMPs) will be developed based on criteria approved by the Manager from time to time. These TBLLs may be performance based or based on best professional judgment, as determined by the sole discretion of the Manager on a case-by-case basis. The Manager may also develop BMPs in wastewater discharge permits to implement specific pollutant limitations. Such BMPs shall be considered Local Limits and Pretreatment Standards. BMPs, if any, shall be attached as an Appendix to this permit.

TBLLs shall apply at the "monitoring point" described in Part II. Monitoring Requirements, paragraph (2) of this permit. All concentration limits for metals pollutants shall be in terms of "total" metals unless otherwise indicated, if applicable to this permit. At the discretion of the Manager, mass limitations may be imposed in addition to or in place of concentration based TBLLs.

When new Local Limits are implemented or revised, CWL will provide individual notice to parties who have requested such notice and an opportunity to respond, as set forth by 40 CFR 403.5 (c) (3) and Section 70-87 (3) of the Pretreatment Ordinance. This requirement of notice applies whether Local Limits are set by ordinance or on a case-by-case basis.

Part II. Monitoring Requirements

1. The Permittee shall, within 30 days of the effective date of this permit, provide a sampling access facility on their process wastestreams at a "monitoring point" located before the process wastewater has mixed with any other non-process wastestreams discharged from the Permittee's premises. The location, equipment, and configuration contained in the sampling access facility shall be as approved by the Manager or Authorized Representative of the Manager.
2. The Permittee's "monitoring point" shall be Outfall Number 001, located upstream from the Permittee's connection with the CWL Wastewater Collection System and any non-process wastestreams. The Permittee's effluent shall consist of process wastewater in accordance with the conditions of this permit. The sampling facility shall be located (describe), immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists, but before the process wastewater has mixed with other non-process wastestreams. The sampling facility is to be equipped with a 110 volt GFCI outlet with the capability to connect a flow-measuring device capable of producing a 4-20 mA signal, which may be used to pace CWL sampling devices. CWL reserves the right to require the installation of a flow-measuring device.
3. Sampling and analysis of industrial wastes discharged into the CWL Wastewater Collection System shall be performed by CWL or a laboratory certified for each permitted analyte by ADEQ. Analyses shall be in accordance with 40 CFR 136, as amended, and Section 70-91(10) of the Pretreatment Ordinance.
4. The Permittee shall pay to CWL the costs of required sampling and analysis at the rates set forth in the Schedule of CWL Laboratory Charges, attached as an Appendix to this document.
5. The Permittee may, upon their request, obtain a portion of a sample for their analyses if such request is approved by CWL. Only authorized CWL personnel shall perform splitting of samples if the request is approved. Split results performed by the Permittee are for information only and will not be reportable as results for the purposes of any monitoring required by the Pretreatment Ordinance, this permit, or any order issued thereunder.
6. The frequency of sampling shall be as indicated in Part I. Effluent Limitations of this permit unless the results of monitoring indicate the need, as determined by CWL, for more or less frequent sampling. The frequency of compliance monitoring shall be in no case less than twice per year, as required by 40 CFR 403.12 and Section 70-91 (4) of the Pretreatment Ordinance. Samples shall be 24-hour composite or grab samples in accordance with 40 CFR 136, as amended, and Section 70-91(11) of the Pretreatment Ordinance. Samples shall be representative of daily operations, including production and/or cleanup days. Days on which samples are taken may be varied and shall be determined by the Manager or Authorized Representative of the Manager.
7. The Permittee shall maintain daily records of total process wastewater flows discharged to the CWL wastewater collection system. Records of the daily process wastewater discharged to the CWL wastewater collection system shall be reported monthly, unless otherwise required, in writing to the Manager or the Authorized Representative of the Manager.

Part III. Conditions of Permit

1. **Permit Fee**
The Permittee shall pay an annual permit fee to CWL, as set forth in the Schedule of CWL Laboratory Charges included as an Appendix to this permit. This fee represents the Permittee's pro rata share of the costs incurred by CWL to administer CWL's Industrial Pretreatment Program.
2. **Pretreatment Facility Approval**
The Manager or Authorized Representative of the Manager shall approve all plans and specifications for new or modifications to existing monitoring access facilities and pretreatment facilities.
3. **Report of Potential Problems**
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 any spill and/or slug loading which may cause potential problems for the POTW, the Permittee shall notify the CWL Pretreatment Coordinator immediately via telephone (870.930.3392) or the CWL dispatcher after normal business hours (870.935.5581), as set forth in Section 70-91(6) of the Pretreatment Ordinance. Immediate, appropriate action shall be taken by the Permittee to mitigate any adverse effects of the discharge.

Within five (5) days following such discharge, the Permittee shall, unless waived by the Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Permittee to prevent similar future occurrences, in accordance with Section 70-91 (6) of the Pretreatment Ordinance.

4. **Accidental or Slug/Spill Discharge Control Plans**
The Manager shall evaluate whether the Permittee needs an accidental or slug/spill discharge control plan, in accordance with Section 70-88 (3) of the Pretreatment Ordinance. The Manager may require the Permittee to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control spill or slug discharges. An accidental or slug/spill 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 CWL of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges established in Section 70-87 of the Pretreatment 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 run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

The Permittee shall notify CWL immediately of any changes at its facility affecting potential for a slug discharge.

If an Accidental or Slug/Spill Discharge Control Plan has been accepted and approved by CWL for this Permittee's facility, the Plan is attached as an Appendix to this permit.

5. Report of Changed Conditions

The Permittee shall notify the Manager or Authorized Representative of the Manager in writing at least sixty (60) days prior to any change in production or treatment processes which would significantly affect the nature, quality, or volume of the wastewater discharged to the CWL Wastewater Collection System, as set forth in Section 70-91 (5) of the Pretreatment Ordinance. The Permittee shall not implement the planned changed conditions until and unless the CWL Pretreatment Coordinator has responded to the Permittee's notice. The Manager or Authorized Representative of the Manager must also be notified in writing when there is a change in pretreatment contact personnel at the Permittee's facilities.

6. Hazardous Waste

Any Permittee who commences or causes the commencement of the discharge of hazardous waste, in compliance with 40 CFR 403.12 (p) (1) and Section 70-91 (9) of the Pretreatment Ordinance, shall notify the Manager, the EPA Region VI Waste Management Division Director, and State hazardous waste authorities in writing of any discharge to the POTW of any substance(s) which, if otherwise disposed, would be classified as a hazardous waste under 40 CFR 261. Notification requirements and exemptions shall be as set forth in Section 70-91 (9) of the Pretreatment Ordinance.

The Permittee shall maintain documentation pertaining to the disposal of sludges or other materials classified as hazardous wastes by a method and at a site approved by appropriate State of Arkansas and Federal Regulatory Agencies.

7. Right of Entry

For the purpose of determining whether the Pretreatment Ordinance and any permit or order issued thereunder is being met and whether the Permittee is complying with all requirements thereof, the Manager and/or the Authorized Representative of the Manager shall have the right to enter any facilities of the Permittee, including but not limited to the production, materials storage, and wastewater pretreatment areas of the facility. The Permittee shall allow 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, as set forth Section 70-92 of the Pretreatment Ordinance.

8. Recordkeeping

The Permittee shall retain and make available for inspection and copying by the Manager and/or the Authorized Representative of the Manager, all records and information required to be retained in accordance with Section 70-91 (13) of the Pretreatment Ordinance, including all information resulting from any monitoring activities. These records shall remain available for a minimum of three (3) years, with the exception that this period shall be automatically extended for the duration of any enforcement action concerning compliance with the Pretreatment Ordinance or where the Permittee has been specifically notified of a longer retention period by the Manager.

9. General Prohibitions

As established in Section 70-87 (1) (A) of the Pretreatment Ordinance, the Permittee shall not introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all Industrial Users of the POTW, whether or not the User is subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

10. Specific Prohibitions

As established in Section 70-87 (1) (B) of the Pretreatment Ordinance, the Permittee shall not contribute or cause to be introduced the following specifically prohibited pollutants, substances, or wastewater to the POTW:

- (A) Pollutants which create a fire or explosive hazard in the municipal wastewater collection

system or POTW, including but not limited to waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

- (B) Any wastewater having a pH less than 6.0 S.U. or more than 11.5 S.U., or otherwise causing corrosive structural damage to the POTW or equipment or endangering CWL personnel;
- (C) Solid or viscous substances in amounts which will cause obstruction of the flow to and within the POTW or result 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 (BOD₅, *etc.*), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW or any wastewater treatment or sludge process, or which will constitute a hazard to humans;
- (E) Any wastewater having a temperature greater than 150°F (65°C) or that which will inhibit biological activity in the treatment plant and result in interference, but in no case wastewater which causes the temperature at the introduction into the WWTP to exceed 104°F (40°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 that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (H) Any trucked or hauled pollutants, except at discharge points designated by the Manager in accordance with Section 70-88 (5) of the Pretreatment Ordinance.
- (I) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent human entry into the sewers for maintenance and repair;
- (J) Any wastewater which imparts color that 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 CWL's NPDES permit;
- (K) Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Manager in an industrial wastewater discharge permit and in compliance with applicable State or Federal regulations;
- (L) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the Manager;
- (M) Any sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (N) Any medical wastes, except as specifically authorized by the Manager in an industrial wastewater discharge permit;
- (O) Any wastewater causing the treatment plant's effluent to fail a toxicity test;
- (P) Any wastes containing detergents, surface-active agents, surfactants, or other substances that

may cause excessive foaming or scum in the POTW;

- (Q) Any wastes containing fats, oils, or grease (FOG) of animal, vegetable, or mineral origin exceeding one hundred (100) mg/L, except as specifically authorized by the Manager; and
- (R) Any liquids, solids, or gases which by reason of nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Wastewater causing two (2) readings on an explosions hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 5% or any single reading over 10% of the Lower Explosive Limit of the meter.

11. Significant Noncompliance

In accordance with 40 CFR 25 and in the enforcement of National Pretreatment Standards, the Manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the Industrial Users which, during the previous 12 months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. An SIU (or any IU in violation of paragraphs (C), (D), or (H) below) is in Significant Noncompliance if the violation meets or exceeds one or more of the following:

- (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 during a six-month period exceed by any magnitude a numeric Pretreatment Standard or Requirement, including instantaneous discharge limits, as defined by 40 CFR 403.3 (1) and Section 70-87 of the Pretreatment Ordinance;
- (B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all the measurements taken for each pollutant parameter during a six-month period equal or exceed the product of numeric Pretreatment Standard or Requirement, including instantaneous discharge limits, as defined by 40 CFR 403.3 (1) and Section 70-87 of the Pretreatment Ordinance, multiplied by the applicable criteria [1.4 for BOD, TSS; and FOG and 1.2 for all other pollutants except pH];
- (C) Any other violation of a Pretreatment Standard or Requirement, as defined by 40 CFR 403.3 (1) and Section 70-87 of the Pretreatment Ordinance (daily maximum, long-term average, instantaneous discharge limit, or narrative standard) that the Manager determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of CWL personnel and/or the general public);
- (D) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment or has resulted in the Manager exercising emergency authority to halt or prevent such a discharge;
- (E) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (F) Failure to provide, within 45 days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G) Failure to accurately report noncompliance; or

- (H) Any other violation(s), which may include a violation of Best Management Practices, which the Manager determines will adversely affect the operation or implementation of the local pretreatment program.

12. Civil and Criminal Penalties and Fines

The Permittee shall be subject to applicable civil and criminal penalties and fines and any applicable compliance schedule for violation of any provision of the Pretreatment Ordinance, Pretreatment Standards and Requirements, and provisions and conditions of this wastewater discharge permit, as provided for by Arkansas State Statutes, the Pretreatment Ordinance, and all applicable CWL regulations. Such compliance schedules may not extend the time for compliance beyond that required by applicable Federal, State, or local law. As established in Sections 70-96 (2-3) of the Pretreatment Ordinance and Sections 70-111 (2-3) of the General Sewer Use Ordinance, as applicable, such civil penalties and criminal fines may not exceed \$1,000.00 per violation per day.

13. Administrative Fines

The Permittee shall be subject to applicable administrative fines for violation of any provision of the Pretreatment Ordinance, Pretreatment Standards and Requirements, and provision and conditions of this wastewater discharge permit. As established in Section 70-95 (6) of the Pretreatment Ordinance and Section 70-110 (6) of the General Sewer Use Ordinance, as applicable, such administrative fines may not exceed \$1,000.00 per each violation, with each day of a continuing violation deemed a separate violation in an amount not to exceed \$500.00 for each day the violation continues. The Manager may add the costs of preparing administrative enforcement action, such as notices and orders, to the fine.

14. Emergency Suspensions

The Manager or Authorized Representative of the Manager may immediately suspend the Permittee's discharge (after informal notice to the Permittee) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent and substantial endangerment to the health or welfare of persons. The Manager or Authorized Representative of the Manager may also immediately suspend the Permittee'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) If notified of a suspension of its discharge, the Permittee shall immediately stop or eliminate its contribution. In the event of the Permittee's failure to immediately and voluntarily comply with the suspension order, the Manager or Authorized Representative of the Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage or endangerment to the POTW, the POTW's receiving stream, or any person. The Manager or Authorized Representative of the Manager shall allow the Permittee to recommence discharging to the POTW when the Permittee has demonstrated to the satisfaction of the Manager that the period of endangerment has passed, unless termination proceedings set forth in Section 70-95 (8) of the Pretreatment Ordinance or Section 70-110 (8) of the General Sewer Use Ordinance, as applicable, are initiated against the Permittee.
- (B) A User that is responsible, in whole or in part, for any discharge presenting imminent and substantial endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Manager or Authorized Representative of the Manager, prior to the date of any show cause or termination hearing under Sections 70-95 (3) and 70-95 (8) of the Pretreatment Ordinance or Sections 70-110 (3) and 70-110 (8) of the General Sewer Use Ordinance, as applicable.

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

15. Termination of Discharge

In addition to those provisions set forth in Section 70-90 (6) of the Pretreatment Ordinance and Sections 70-107 through 70-109 of the General Sewer Use Ordinance, as applicable, any Industrial User that violates the following conditions as established in Section 70-95 (8) of the Pretreatment Ordinance and Section 70-110 (8) of the General Sewer Use Ordinance, as applicable, wastewater discharge permits, any orders issued thereunder, or any other Pretreatment Standard or Regulation, including but not limited to those conditions listed below, is subject to termination of wastewater discharge:

- (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/or characteristics prior to discharge;
- (D) Refusal of reasonable access to the Permittee's premises for the purpose of inspection, monitoring, and/or sampling; or
- (E) Ordinance and Section 70-108 of the General Sewer Use Ordinance, as applicable.

Such Users in violation will be notified by the Manager or Authorized Representative of the Manager of the proposed termination of its discharge and be offered an opportunity to show cause under Section 70-95 (3) of the Pretreatment Ordinance or Section 70-110 (3) of the General Sewer Use Ordinance, as applicable, why the proposed action should not be taken.

16. Wastewater Discharge Permit Transfer

As provided under Section 70-90 (5) of the Pretreatment Ordinance, wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least thirty (30) days advance notice to the Manager, unless the thirty (30) day period is otherwise waived by the Manager, and the Manager approves the wastewater discharge permit transfer. The notice to the Manager must include a written certification by the new owner and/or operator which:

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

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

17. Permit Revocation

The Manager may revoke wastewater discharge permits for the following reasons:

- (A) Failure to notify the Manager of significant changes to the wastewater prior to the changed discharge;
- (B) Failure to provide prior notification to the Manager of changed conditions pursuant to Section 70-91 (5) of the Pretreatment Ordinance;

- (C) Misrepresentation or failures to fully disclose all relevant facts in the wastewater discharge permit application;
- (D) Falsification of self-monitoring reports and/or certification statements;
- (E) Tampering with monitoring equipment
- (F) Refusal to allow the 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, including any surcharges or capacity charges;
- (J) Failure to meet compliance schedules;
- (K) Failure to complete a wastewater survey or the wastewater discharge permit application, or failure to update such information as required by the Pretreatment Ordinance;
- (L) Failure to provide advance notice of the transfer of a permitted facility; or
- (M) Violation of any Pretreatment Standard or Requirement, any terms of wastewater discharge permit, or the Pretreatment Ordinance.

Unless a transfer is approved in accordance with Section 70-90 (5) of the Pretreatment Ordinance and as described here, wastewater discharge permits shall also be voided and revoked upon an unapproved transfer of facility ownership or following a period of ninety (90) days of disuse or cessation of operations at the facility.

18. Facility Closure Notification

A minimum of ninety (90) days before the closure of a facility or a period of facility disuse of ninety (90) days or more, the Permittee shall notify CWL in writing of the anticipated date of closure, as well as the anticipated date of resumption of facility use, if any, in accordance with Section 70-90 (7) of the Pretreatment Ordinance.

19. Permit Modification

As set forth by Section 70-90 (4) of the Pretreatment Ordinance, the Manager may modify this permit at any time during the permit effective dates for good cause including, but not limited to the following:

- (A) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (B) To address significant alterations or additions to the Permittee'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, beneficial sludge use, or the receiving waters;

- (E) Violation of any terms or conditions of the wastewater discharge permit;
- (F) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (G) Revision of Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- (H) To correct typographical or other clerical errors in the wastewater discharge permit; or
- (I) To reflect a transfer of the facility ownership and/or operation to a new owner or operator where request in accordance with Section 70-90 (5) of the Pretreatment Ordinance.

20. Wastewater Discharge Permit Reissuance:

In accordance with Section 70-90 (8) of the Pretreatment Ordinance, a User with an expiring wastewater discharge permit shall apply for the reissuance of a wastewater discharge permit by submitting a complete wastewater discharge permit application, acceptable to the Manager, in accordance with Section 70-89 (5) of the Pretreatment Ordinance, a minimum of sixty (60) days prior to the expiration of the Permittee's existing wastewater discharge permit.

Conditions of this permit will continue in effect past the expiration date pending issuance of a new permit, if:

- (A) The Permittee has submitted a timely and complete application; and
- (B) CWL, through no fault of the Permittee, fails to issue a new permit prior to the expiration of the previous permit.

Schedule of CWL Laboratory Charges

Annual Industrial Pretreatment Permit Fee = \$716.69 (\$59.72 per month)

Excessive Strength Surcharge Formula:

- $$S = (V_{ww}) (8.34) [C_{BOD_5} (BOD_5-250) + C_{TSS} (TSS-250) + C_{FOG} (FOG-100)]$$
- Where: S = Surcharge in dollars
V_{ww} = Volume of wastewater in millions of gallons
8.34 = Weight in pounds of one gallon of water
C_{BOD₅} = Charge per pound of BOD₅ = \$0.097, effective February 2012
C_{TSS} = Charge per pound of TSS = \$0.097, effective February 2012
C_{FOG} = Charge per pound of FOG = \$0.287, effective February 2012
BOD₅ = Biochemical Oxygen Demand in mg/L of the Industrial User's wastewater
TSS = Total Suspended Solids in mg/L of the Industrial User's wastewater
FOG = Fats, Oils, and Grease in mg/L of the Industrial User's wastewater
250 = Concentration in mg/L above which both BOD₅ and TSS are defined as "excessive" and a surcharge may be assessed
100 = Concentration in mg/L above which FOG is defined as "excessive" and a surcharge may be assessed

Excessive Strength Capacity Charge Formula:

- $$CAP = (V_{ww}) (8.34) [((\text{Greater of } BOD_5 \text{ or } TSS) - 250) C_{CAP}]$$
- Where: CAP = Capacity Charge in dollars
V_{ww} = Volume of wastewater in millions of gallons
8.34 = Weight in pounds of one gallon of water
C_{CAP} = Charge per pound for Greater of BOD₅ or TSS = \$0.134, effective February 2012
BOD₅ = Biochemical Oxygen Demand in mg/L of the Industrial User's wastewater
TSS = Total Suspended Solids in mg/L of the Industrial User's wastewater
250 = Concentration in mg/L above which both BOD₅ and TSS are defined as "excessive" and a capacity charge may be assessed

CWL Laboratory Sampling and Analysis Fees:

Biochemical Oxygen Demand (BOD ₅)	\$	25.23
Chemical Oxygen Demand (COD)	\$	25.23
Fats, Oils, and Grease (FOG)	\$	30.96
pH	\$	8.03
Total Suspended Solids (TSS)	\$	11.47
Metals (Flame atomic absorption/per metal)	\$	11.47
Metal digestion (per sample)	\$	11.47
Ammonia Nitrogen	\$	19.49
Sample/Flowmeter Rental (per day)	\$	61.92
Grab Sample Collection (per day)	\$	17.20
Cyanide	\$	Set by contract lab
Contract Laboratory	\$	Set by approved lab (per analyte)

Charges are subject to revision. At a minimum, permit fees, excessive strength surcharges, excessive strength capacity charges and laboratory charges will be annually adjusted consistent with the Consumer Price Index.

If another laboratory is used, it must be an approved certified laboratory by the Arkansas Department of Environmental Quality (ADEQ). CWL will collect and split samples for analysis if requested by the User and approved by CWL. Sample collection fees will apply to samples analyzed by an approved contract laboratory.

Your facility will be billed from CWL for the contract laboratory samples as a miscellaneous fee. Sampling and analysis performed in compliance with 40 CFR 136, as amended, and as set forth in Sections 70-91 (10) and (11) of the Pretreatment Ordinance.

APPENDIX B: APPROVED ACCIDENTAL OR SPILL/SLUG DISCHARGE CONTROL PLAN

<p style="text-align: center;"><u>CWL use only:</u> Date Plan approved by CWL: ___ / ___ / ___</p>
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APPENDIX C: BEST MANAGEMENT PRACTICES

APPENDIX I

Industrial Wastewater Discharge Permit
Categorical Significant Industrial User
(Metal Finishing)



Categorical Significant Industrial User
Industrial Wastewater Discharge Permit
Permit Number: XXX-XX

In compliance with the provisions and conditions of Part I, Chapter 70, Article III, Division 2, Sewer Use - Pretreatment Ordinance 12:009 of the Jonesboro Municipal Code, hereafter referred to as the Pretreatment Ordinance, and also with any applicable provisions of Federal, State of Arkansas, and local laws or regulations, including all applicable City Water and Light (CWL) regulations:

Company Name

Site Address:

Jonesboro, Arkansas 7240X

hereby known as the Permittee, is authorized to discharge industrial wastes from activities classified by SIC Code ##### or NAIC code ##### from the premises located at the above address into CWL's Wastewater Collection System in accordance with the application for permit submitted to CWL on month, day, year; effluent limitations, including BMPs; monitoring requirements; and permit conditions set forth herein.

This permit shall become effective month, day, year.

This permit and its authorization to discharge shall expire at midnight, month, day, year.

This permit is not transferable to persons, companies, or processes other than to which it is originally issued without prior notification to and approval from the Manager of CWL in accordance with Section 70-90 (5) of the Pretreatment Ordinance and provisions furnishing the new owner or operator with a copy of the existing industrial wastewater discharge permit.

Signed this # day of month, year

Jake Rice, III, P.E.
General Operations Director

Part I. Effluent LimitationsPollutant Discharge Limitations for Process Wastewater

During the period beginning on the effective date and lasting until the date of expiration, the Permittee is authorized to discharge from Outfall Number 001. The Permittee is an Industrial User (User) that is discharging process wastewater (**continuously**) (**intermittently by batch**) from Outfall Number 001 and is regulated under the Pretreatment Ordinance and applicable provisions of Federal, State of Arkansas, and local laws or regulations, including all appropriate CWL regulations.

Such discharges from Outfall Number 001 shall be limited and monitored as specified below:

DISCHARGE LIMITATIONS					
Effluent Characteristics	Mass Loading (lb/day, unless otherwise specified)	Concentration (mg/L, unless otherwise specified)		Monitoring Requirements	
	Daily	Daily	Monthly Average	Frequency {3}	Sample Type
Flow {4}		Report only		Daily	N/A
Total Flow	N/A	##### gpd	##### gpd	Daily	N/A
Process Flow	N/A	##### gpd	##### gpd	Daily	N/A
Cadmium {5}	N/A	0.69/0.11	0.26/0.07	1/month	24 Hr TC*
Chromium {5}	N/A	2.77	1.71	1/month	24 Hr TC*
Copper {5}	N/A	3.38	2.07	1/month	24 Hr TC*
Lead {5}	N/A	0.69	0.43	1/month	24 Hr TC*
Nickel {5}	N/A	3.98	2.38	1/month	24 Hr TC*
Silver {5}	N/A	0.43	0.24	2/year	24 Hr TC*
Zinc {5}	N/A	2.61	1.48	1/month	24 Hr TC*
Cyanide {5}	N/A	1.20	0.65	2/year	Grab
Total Toxic Organics (TTO) {5}	N/A	2.13	N/A	2/year	Grab
Fats, Oils & Grease (FOG) {1}	N/A	100	N/A	1/month	Grab
Temperature {1}	N/A	150°F		1/month	Grab
pH {1}	N/A	6.0 S.U. (Min.)	11.5 S.U. (Max.)	1/month	Grab

*TC = Time composite

{1} Pretreatment Ordinance

{3} CWL will use its discretion pertaining to sampling frequency in accordance with Part II. Monitoring Requirements, paragraph (6) of this permit

{4} Flow shall be based on the total flow measured by CWL water meter, unless a dedicated wastewater flow-measuring device is required by CWL to be installed

{5} National Categorical Pretreatment Standard 40 CFR 433.15 (Existing Sources) and 433.17 (New Sources), respectively

Such discharges from Outfall Number 001 are also subject to an excessive strength surcharge and excessive strength capacity charge, as set forth in Section 70-99 of the Pretreatment Ordinance as follows:

EXCESSIVE STRENGTH SURCHARGE AND CAPACITY CHARGE LIMITATIONS				
Effluent Characteristics	Concentration (mg/L, unless otherwise specified)		Monitoring Requirements	
	Daily	Monthly Average	Frequency {3}	Sample Type
Biochemical Oxygen Demand (BOD ₅) {2}	250	N/A	As required	24 Hr TC*
Total Suspended Solids (TSS) {2}	250	N/A	As required	24 Hr TC*
Fats, Oils & Grease (FOG) {2}	100	N/A	As required	Grab

*TC = Time composite

- {1} Pretreatment Ordinance
- {2} Maximum allowed without paying an excessive strength surcharge (applicable to BOD₅, TSS, and FOG), or excessive strength capacity charge (applicable to BOD₅ and TSS)
- {3} CWL will use its discretion pertaining to sampling frequency in accordance with Part II. Monitoring Requirements, paragraph (6) of this permit
- {4} Flow shall be based on the total flow measured by CWL water meter, unless a dedicated wastewater flow-measuring device is required by CWL to be installed
- {5} National Categorical Pretreatment Standard 40 CFR 433.15 (Existing Sources) and 433.17 (New Sources), respectively

Local Limits and Best Management Practices

To protect against pass through and interference, the Permittee may not discharge or cause to be discharged into the Publicly Owned Treatment Works (POTW) any wastewater pollutant concentration exceeding the Technically Based Local Limits (TBLLs) developed from time to time by the Manager of CWL or as required by CWL's National Pollutant Discharge Elimination System (NPDES) permits No. AR0037907 and AR0043401, authorized by 40 CFR 403.5 (c), and approved by the Arkansas Department of Environmental Quality (ADEQ).

When deemed appropriate by the Manger, specific pollutant limitations or Best Management Practices (BMPs) will be developed based on criteria approved by the Manager from time to time. These TBLLs may be performance based or based on best professional judgment, as determined by the sole discretion of the Manager on a case-by-case basis. The Manager may also develop BMPs in wastewater discharge permits to implement specific pollutant limitations. Such BMPs shall be considered Local Limits and Pretreatment Standards. BMPs, if any, shall be attached as an Appendix to this permit.

TBLLs shall apply at the "monitoring point" described in Part II. Monitoring Requirements, paragraph (2) of this permit. All concentration limits for metals pollutants shall be in terms of "total" metals unless otherwise indicated, if applicable to this permit. At the discretion of the Manager, mass limitations may be imposed in addition to or in place of concentration based TBLLs.

When new Local Limits are implemented or revised, CWL will provide individual notice to parties who have requested such notice and an opportunity to respond, as set forth by 40 CFR 403.5 (c) (3) and Section 70-87 (3) of the Pretreatment Ordinance. This requirement of notice applies whether Local Limits are set by ordinance or on a case-by-case basis.

Part II. Monitoring Requirements

1. The Permittee shall, within 30 days of the effective date of this permit, provide a sampling access facility on their process wastestreams at a "monitoring point" located before the process wastewater has mixed with any other non-process wastestreams discharged from the Permittee's premises. The location, equipment, and configuration contained in the sampling access facility shall be as approved by the Manager or Authorized Representative of the Manager.
2. The Permittee's "monitoring point" shall be Outfall Number 001, located upstream from the Permittee's connection with the CWL Wastewater Collection System and any non-process wastestreams. The Permittee's effluent shall consist of process wastewater in accordance with the conditions of this permit. The sampling facility shall be located (describe), immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists, but before the process wastewater has mixed with other non-process wastestreams. The sampling facility is to be equipped with a 110 volt GFCI outlet with the capability to connect a flow-measuring device capable of producing a 4-20 mA signal, which may be used to pace CWL sampling devices. CWL reserves the right to require the installation of a flow-measuring device.
3. Sampling and analysis of industrial wastes discharged into the CWL Wastewater Collection System shall be performed by CWL or a laboratory certified for each permitted analyte by ADEQ. Analyses shall be in accordance with 40 CFR 136, as amended, and Section 70-91(10) of the Pretreatment Ordinance.
4. The Permittee shall pay to CWL the costs of required sampling and analysis at the rates set forth in the Schedule of CWL Laboratory Charges, attached as an Appendix to this document.
5. The Permittee may, upon their request, obtain a portion of a sample for their analyses if such request is approved by CWL. Only authorized CWL personnel shall perform splitting of samples if the request is approved. Split results performed by the Permittee are for information only and will not be reportable as results for the purposes of any monitoring required by the Pretreatment Ordinance, this permit, or any order issued thereunder.
6. The frequency of sampling shall be as indicated in Part I. Effluent Limitations of this permit unless the results of monitoring indicate the need, as determined by CWL, for more or less frequent sampling. The frequency of compliance monitoring shall be in no case less than twice per year, as required by 40 CFR 403.12 and Section 70-91 (4) of the Pretreatment Ordinance. Samples shall be 24-hour composite or grab samples in accordance with 40 CFR 136, as amended, and Section 70-91(11) of the Pretreatment Ordinance. Samples shall be representative of daily operations, including production and/or cleanup days. Days on which samples are taken may be varied and shall be determined by the Manager or Authorized Representative of the Manager.
7. The Permittee shall maintain daily records of total process wastewater flows discharged to the CWL wastewater collection system. Records of the daily process wastewater discharged to the CWL wastewater collection system shall be reported monthly, unless otherwise required, in writing to the Manager or the Authorized Representative of the Manager.
8. In lieu of the required monitoring for total toxic organics (TTO), CWL may allow the Permittee to alternatively certify that no dumping of toxic organics to the wastestream has occurred, at the Permittee's request. When requesting that no TTO monitoring be required, the Permittee must submit a Toxic Organic Management Plan (TOMP) that specifies to the satisfaction of CWL the toxic organic compounds used; the method of disposal used instead of dumping, such as reclamation, contract hauling, or incineration; and procedures for ensuring that toxic organics do not routinely spill or leak into the wastewater discharged to the POTW. A sample TOMP outline as based on EPA Guidance

Manual for Implementing Total Toxic Organics Pretreatment Standards (1985) is included as an Appendix to this document.

If a TOMP has been accepted and approved by CWL for this Permittee's facility, the Plan is attached as an Appendix to this permit.

A notarized TTO certification statement shall be submitted to CWL by the Permittee to qualify for the TTO monitoring waiver, certifying that no dumping of concentrated toxic organics into the wastewater discharged to the POTW has occurred since the last TTO compliance monitoring and that the Permittee is implementing the approved TOMP. The Permittee shall provide the TTO certification statement included as an Appendix herein, signed and dated by the Authorized Representative, as defined in Section 70-85 (4) of the Pretreatment Ordinance, as requested by CWL but in no case less than twice a year.

9. If the Permittee does not have an approved TOMP or if CWL otherwise determines the alternative certification submitted by the Permittee does not satisfy requirements for TTO monitoring or the Permittee's approved TOMP is not followed, TTO monitoring shall be required. CWL will perform sampling for TTO analysis and transport the samples to a commercial laboratory selected by CWL for TTO analyses. In cases where monitoring to determine TTO compliance is necessary, sampling and analysis for TTO will only be required for those organics which would reasonably be expected to be present in the Permittee's effluent. The laboratory shall report results of TTO analyses to both CWL and the Permittee. The Permittee shall pay all costs incurred for TTO analyses.

Part III. Conditions of Permit1. Permit Fee

The Permittee shall pay an annual permit fee to CWL, as set forth in the Schedule of CWL Laboratory Charges included as an Appendix to this permit. This fee represents the Permittee's pro rata share of the costs incurred by CWL to administer CWL's Industrial Pretreatment Program.

2. Pretreatment Facility Approval

The Manager or Authorized Representative of the Manager shall approve all plans and specifications for new or modifications to existing monitoring access facilities and pretreatment facilities.

3. Report of Potential Problems

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 any spill and/or slug loading which may cause potential problems for the POTW, the Permittee shall notify the CWL Pretreatment Coordinator immediately via telephone (870.930.3392) or the CWL dispatcher after normal business hours (870.935.5581), as set forth in Section 70-91(6) of the Pretreatment Ordinance. Immediate, appropriate action shall be taken by the Permittee to mitigate any adverse effects of the discharge.

Within five (5) days following such discharge, the Permittee shall, unless waived by the Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Permittee to prevent similar future occurrences, in accordance with Section 70-91 (6) of the Pretreatment Ordinance.

4. Accidental or Slug/Spill Discharge Control Plans

The Manager shall evaluate whether the Permittee needs an accidental or slug/spill discharge control plan, in accordance with Section 70-88 (3) of the Pretreatment Ordinance. The Manager may require the Permittee to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control spill or slug discharges. An accidental or slug/spill 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 CWL of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges established in Section 70-87 of the Pretreatment 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 run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

The Permittee shall notify CWL immediately of any changes at its facility affecting potential for a slug discharge.

If an Accidental or Slug/Spill Discharge Control Plan has been accepted and approved by CWL for this Permittee's facility, the Plan is attached as an Appendix to this permit.

5. Report of Changed Conditions

The Permittee shall notify the Manager or Authorized Representative of the Manager in writing at least sixty (60) days prior to any change in production or treatment processes which would significantly affect the nature, quality, or volume of the wastewater discharged to the CWL Wastewater Collection System, as set forth in Section 70-91 (5) of the Pretreatment Ordinance. The Permittee shall not implement the planned changed conditions until and unless the CWL Pretreatment Coordinator has responded to the Permittee's notice. The Manager or Authorized Representative of the Manager must also be notified in writing when there is a change in pretreatment contact personnel at the Permittee's facilities.

6. Hazardous Waste

Any Permittee who commences or causes the commencement of the discharge of hazardous waste, in compliance with 40 CFR 403.12 (p) (1) and Section 70-91 (9) of the Pretreatment Ordinance, shall notify the Manager, the EPA Region VI Waste Management Division Director, and State hazardous waste authorities in writing of any discharge to the POTW of any substance(s) which, if otherwise disposed, would be classified as a hazardous waste under 40 CFR 261. Notification requirements and exemptions shall be as set forth in Section 70-91 (9) of the Pretreatment Ordinance.

The Permittee shall maintain documentation pertaining to the disposal of sludges or other materials classified as hazardous wastes by a method and at a site approved by appropriate State of Arkansas and Federal Regulatory Agencies.

7. Right of Entry

For the purpose of determining whether the Pretreatment Ordinance and any permit or order issued thereunder is being met and whether the Permittee is complying with all requirements thereof, the Manager and/or the Authorized Representative of the Manager shall have the right to enter any facilities of the Permittee, including but not limited to the production, materials storage, and wastewater pretreatment areas of the facility. The Permittee shall allow 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, as set forth Section 70-92 of the Pretreatment Ordinance.

8. Recordkeeping

The Permittee shall retain and make available for inspection and copying by the Manager and/or the Authorized Representative of the Manager, all records and information required to be retained in accordance with Section 70-91 (13) of the Pretreatment Ordinance, including all information resulting from any monitoring activities. These records shall remain available for a minimum of three (3) years, with the exception that this period shall be automatically extended for the duration of any enforcement action concerning compliance with the Pretreatment Ordinance or where the Permittee has been specifically notified of a longer retention period by the Manager.

9. General Prohibitions

As established in Section 70-87 (1) (A) of the Pretreatment Ordinance, the Permittee shall not introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all Industrial Users of the POTW, whether or not the User is subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

10. Specific Prohibitions

As established in Section 70-87 (1) (B) of the Pretreatment Ordinance, the Permittee shall not contribute or cause to be introduced the following specifically prohibited pollutants, substances, or wastewater to the POTW:

(A) Pollutants which create a fire or explosive hazard in the municipal wastewater collection

system or POTW, including but not limited to waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

- (B) Any wastewater having a pH less than 6.0 S.U. or more than 11.5 S.U., or otherwise causing corrosive structural damage to the POTW or equipment or endangering CWL personnel;
- (C) Solid or viscous substances in amounts which will cause obstruction of the flow to and within the POTW or result 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 (BOD₅, *etc.*), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW or any wastewater treatment or sludge process, or which will constitute a hazard to humans;
- (E) Any wastewater having a temperature greater than 150°F (65°C) or that which will inhibit biological activity in the treatment plant and result in interference, but in no case wastewater which causes the temperature at the introduction into the WWTP to exceed 104°F (40°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 that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (H) Any trucked or hauled pollutants, except at discharge points designated by the Manager in accordance with Section 70-88 (5) of the Pretreatment Ordinance.
- (I) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent human entry into the sewers for maintenance and repair;
- (J) Any wastewater which imparts color that 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 CWL's NPDES permit;
- (K) Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Manager in an industrial wastewater discharge permit and in compliance with applicable State or Federal regulations;
- (L) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the Manager;
- (M) Any sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (N) Any medical wastes, except as specifically authorized by the Manager in an industrial wastewater discharge permit;
- (O) Any wastewater causing the treatment plant's effluent to fail a toxicity test;
- (P) Any wastes containing detergents, surface-active agents, surfactants, or other substances that

may cause excessive foaming or scum in the POTW;

- (Q) Any wastes containing fats, oils, or grease (FOG) of animal, vegetable, or mineral origin exceeding one hundred (100) mg/L, except as specifically authorized by the Manager; and
- (R) Any liquids, solids, or gases which by reason of nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Wastewater causing two (2) readings on an explosions hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 5% or any single reading over 10% of the Lower Explosive Limit of the meter.

11. Significant Noncompliance

In accordance with 40 CFR 25 and in the enforcement of National Pretreatment Standards, the Manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the Industrial Users which, during the previous 12 months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. An SIU (or any IU in violation of paragraphs (C), (D), or (H) below) is in Significant Noncompliance if the violation meets or exceeds one or more of the following:

- (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 during a six-month period exceed by any magnitude a numeric Pretreatment Standard or Requirement, including instantaneous discharge limits, as defined by 40 CFR 403.3 (1) and Section 70-87 of the Pretreatment Ordinance;
- (B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all the measurements taken for each pollutant parameter during a six-month period equal or exceed the product of numeric Pretreatment Standard or Requirement, including instantaneous discharge limits, as defined by 40 CFR 403.3 (1) and Section 70-87 of the Pretreatment Ordinance, multiplied by the applicable criteria [1.4 for BOD, TSS; and FOG and 1.2 for all other pollutants except pH];
- (C) Any other violation of a Pretreatment Standard or Requirement, as defined by 40 CFR 403.3 (1) and Section 70-87 of the Pretreatment Ordinance (daily maximum, long-term average, instantaneous discharge limit, or narrative standard) that the Manager determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of CWL personnel and/or the general public);
- (D) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment or has resulted in the Manager exercising emergency authority to halt or prevent such a discharge;
- (E) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (F) Failure to provide, within 45 days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G) Failure to accurately report noncompliance; or

- (H) Any other violation(s), which may include a violation of Best Management Practices, which the Manager determines will adversely affect the operation or implementation of the local pretreatment program.

12. Civil and Criminal Penalties and Fines

The Permittee shall be subject to applicable civil and criminal penalties and fines and any applicable compliance schedule for violation of any provision of the Pretreatment Ordinance, Pretreatment Standards and Requirements, and provisions and conditions of this wastewater discharge permit, as provided for by Arkansas State Statutes, the Pretreatment Ordinance, and all applicable CWL regulations. Such compliance schedules may not extend the time for compliance beyond that required by applicable Federal, State, or local law. As established in Sections 70-96 (2-3) of the Pretreatment Ordinance and Sections 70-111 (2-3) of the General Sewer Use Ordinance, as applicable, such civil penalties and criminal fines may not exceed \$1,000.00 per violation per day.

13. Administrative Fines

The Permittee shall be subject to applicable administrative fines for violation of any provision of the Pretreatment Ordinance, Pretreatment Standards and Requirements, and provision and conditions of this wastewater discharge permit. As established in Section 70-95 (6) of the Pretreatment Ordinance and Section 70-110 (6) of the General Sewer Use Ordinance, as applicable, such administrative fines may not exceed \$1,000.00 per each violation, with each day of a continuing violation deemed a separate violation in an amount not to exceed \$500.00 for each day the violation continues. The Manager may add the costs of preparing administrative enforcement action, such as notices and orders, to the fine.

14. Emergency Suspensions

The Manager or Authorized Representative of the Manager may immediately suspend the Permittee's discharge (after informal notice to the Permittee) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent and substantial endangerment to the health or welfare of persons. The Manager or Authorized Representative of the Manager may also immediately suspend the Permittee'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) If notified of a suspension of its discharge, the Permittee shall immediately stop or eliminate its contribution. In the event of the Permittee's failure to immediately and voluntarily comply with the suspension order, the Manager or Authorized Representative of the Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage or endangerment to the POTW, the POTW's receiving stream, or any person. The Manager or Authorized Representative of the Manager shall allow the Permittee to recommence discharging to the POTW when the Permittee has demonstrated to the satisfaction of the Manager that the period of endangerment has passed, unless termination proceedings set forth in Section 70-95 (8) of the Pretreatment Ordinance or Section 70-110 (8) of the General Sewer Use Ordinance, as applicable, are initiated against the Permittee.

- (B) A User that is responsible, in whole or in part, for any discharge presenting imminent and substantial endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Manager or Authorized Representative of the Manager, prior to the date of any show cause or termination hearing under Sections 70-95 (3) and 70-95 (8) of the Pretreatment Ordinance or Sections 70-110 (3) and 70-110 (8) of the General Sewer Use Ordinance, as applicable.

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

15. Termination of Discharge

In addition to those provisions set forth in Section 70-90 (6) of the Pretreatment Ordinance and Sections 70-107 through 70-109 of the General Sewer Use Ordinance, as applicable, any Industrial User that violates the following conditions as established in Section 70-95 (8) of the Pretreatment Ordinance and Section 70-110 (8) of the General Sewer Use Ordinance, as applicable, wastewater discharge permits, any orders issued thereunder, or any other Pretreatment Standard or Regulation, including but not limited to those conditions listed below, is subject to termination of wastewater discharge:

- (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/or characteristics prior to discharge;
- (D) Refusal of reasonable access to the Permittee's premises for the purpose of inspection, monitoring, and/or sampling; or
- (E) Violation of the Pretreatment Standards set forth in Section 70-87 of the Pretreatment Ordinance and Section 70-108 of the General Sewer Use Ordinance, as applicable.

Such Users in violation will be notified by the Manager or Authorized Representative of the Manager of the proposed termination of its discharge and be offered an opportunity to show cause under Section 70-95 (3) of the Pretreatment Ordinance or Section 70-110 (3) of the General Sewer Use Ordinance, as applicable, why the proposed action should not be taken.

16. Wastewater Discharge Permit Transfer

As provided under Section 70-90 (5) of the Pretreatment Ordinance, wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least thirty (30) days advance notice to the Manager, unless the thirty (30) day period is otherwise waived by the Manager, and the Manager approves the wastewater discharge permit transfer. The notice to the Manager must include a written certification by the new owner and/or operator which:

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

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

17. Permit Revocation

The Manager may revoke wastewater discharge permits for the following reasons:

- (A) Failure to notify the Manager of significant changes to the wastewater prior to the changed discharge;

- (B) Failure to provide prior notification to the Manager of changed conditions pursuant to Section 70-91 (5) of the Pretreatment Ordinance;
- (C) Misrepresentation or failures to fully disclose all relevant facts in the wastewater discharge permit application;
- (D) Falsification of self-monitoring reports and/or certification statements;
- (E) Tampering with monitoring equipment
- (F) Refusal to allow the 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, including any surcharges or capacity charges;
- (J) Failure to meet compliance schedules;
- (K) Failure to complete a wastewater survey or the wastewater discharge permit application, or failure to update such information as required by the Pretreatment Ordinance;
- (L) Failure to provide advance notice of the transfer of a permitted facility; or
- (M) Violation of any Pretreatment Standard or Requirement, any terms of wastewater discharge permit, or the Pretreatment Ordinance.

Unless a transfer is approved in accordance with Section 70-90 (5) of the Pretreatment Ordinance and as described here, wastewater discharge permits shall also be voided and revoked upon an unapproved transfer of facility ownership or following a period of ninety (90) days of disuse or cessation of operations at the facility.

18. Facility Closure Notification

A minimum of ninety (90) days before the closure of a facility or a period of facility disuse of ninety (90) days or more, the Permittee shall notify CWL in writing of the anticipated date of closure, as well as the anticipated date of resumption of facility use, if any, in accordance with Section 70-90 (7) of the Pretreatment Ordinance.

19. Permit Modification

As set forth by Section 70-90 (4) of the Pretreatment Ordinance, the Manager may modify this permit at any time during the permit effective dates for good cause including, but not limited to the following:

- (A) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (B) To address significant alterations or additions to the Permittee'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, beneficial sludge use, or the receiving waters;
- (E) Violation of any terms or conditions of the wastewater discharge permit;
- (F) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (G) Revision of Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- (H) To correct typographical or other clerical errors in the wastewater discharge permit; or
- (I) To reflect a transfer of the facility ownership and/or operation to a new owner or operator where request in accordance with Section 70-90 (5) of the Pretreatment Ordinance.

20. Wastewater Discharge Permit Reissuance:

In accordance with Section 70-90 (8) of the Pretreatment Ordinance, a User with an expiring wastewater discharge permit shall apply for the reissuance of a wastewater discharge permit by submitting a complete wastewater discharge permit application, acceptable to the Manager, in accordance with Section 70-89 (5) of the Pretreatment Ordinance, a minimum of sixty (60) days prior to the expiration of the Permittee's existing wastewater discharge permit.

Conditions of this permit will continue in effect past the expiration date pending issuance of a new permit, if:

- (A) The Permittee has submitted a timely and complete application; and
- (B) CWL, through no fault of the Permittee, fails to issue a new permit prior to the expiration of the previous permit.

Schedule of CWL Laboratory Charges

Annual Industrial Pretreatment Permit Fee = \$716.69 (\$59.72 per month)

Excessive Strength Surcharge Formula:

$$S = (V_{ww}) (8.34) [C_{BOD_5} (BOD_5-250) + C_{TSS} (TSS-250) + C_{FOG} (FOG-100)]$$

Where: S = Surcharge in dollars
V_{ww} = Volume of wastewater in millions of gallons
8.34 = Weight in pounds of one gallon of water
C_{BOD₅} = Charge per pound of BOD₅ = \$0.097, effective February 2012
C_{TSS} = Charge per pound of TSS = \$0.097, effective February 2012
C_{FOG} = Charge per pound of FOG = \$0.287, effective February 2012
BOD₅ = Biochemical Oxygen Demand in mg/L of the Industrial User's wastewater
TSS = Total Suspended Solids in mg/L of the Industrial User's wastewater
FOG = Fats, Oils, and Grease in mg/L of the Industrial User's wastewater
250 = Concentration in mg/L above which both BOD₅ and TSS are defined as "excessive" and a surcharge may be assessed
100 = Concentration in mg/L above which FOG is defined as "excessive" and a surcharge may be assessed

Excessive Strength Capacity Charge Formula:

$$CAP = (V_{ww}) (8.34) [((\text{Greater of } BOD_5 \text{ or } TSS) - 250) C_{CAP}]$$

Where: CAP = Capacity Charge in dollars
V_{ww} = Volume of wastewater in millions of gallons
8.34 = Weight in pounds of one gallon of water
C_{CAP} = Charge per pound for Greater of BOD₅ or TSS = \$0.134, effective February 2012
BOD₅ = Biochemical Oxygen Demand in mg/L of the Industrial User's wastewater
TSS = Total Suspended Solids in mg/L of the Industrial User's wastewater
250 = Concentration in mg/L above which both BOD₅ and TSS are defined as "excessive" and a capacity charge may be assessed

CWL Laboratory Sampling and Analysis Fees:

Biochemical Oxygen Demand (BOD ₅)	\$	25.23
Chemical Oxygen Demand (COD)	\$	25.23
Fats, Oils, and Grease (FOG)	\$	30.96
pH	\$	8.03
Total Suspended Solids (TSS)	\$	11.47
Metals (Flame atomic absorption/per metal)	\$	11.47
Metal digestion (per sample)	\$	11.47
Ammonia Nitrogen	\$	19.49
Sample/Flowmeter Rental (per day)	\$	61.92
Grab Sample Collection (per day)	\$	17.20
Cyanide	\$	Set by contract lab
Contract Laboratory	\$	Set by approved lab (per analyte)

Charges are subject to revision. At a minimum, permit fees, excessive strength surcharges, excessive strength capacity charges and laboratory charges will be annually adjusted consistent with the Consumer Price Index.

If another laboratory is used, it must be an approved certified laboratory by the Arkansas Department of Environmental Quality (ADEQ). CWL will collect and split samples for analysis if requested by the User and approved by CWL. Sample collection fees will apply to samples analyzed by an approved contract laboratory.

Your facility will be billed from CWL for the contract laboratory samples as a miscellaneous fee. Sampling and analysis performed in compliance with 40 CFR 136, as amended, and as set forth in Sections 70-91 (10) and (11) of the Pretreatment Ordinance.

APPENDIX B: APPROVED ACCIDENTAL OR SPILL/SLUG DISCHARGE CONTROL PLAN

<p><u>CWL use only:</u> Date Plan approved by CWL: ___/___/___</p>
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APPENDIX C: BEST MANAGEMENT PRACTICES

APPENDIX D: Total Toxic Organics Certification

Total Toxic Organics Certification Statement [40 CFR 433.12 (a)]

Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitation or pretreatment standards 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 CWL. I further certify that this facility is implementing the Toxic Organic Management Plan submitted to CWL.

_____/_____/_____
(Authorized Representative Signature) (Date)

(Typed Name)

(Title)

Corporate Acknowledgment
State of Arkansas }
County of _____ }

Before me, the undersigned authority, on this day personally appeared _____ of the User, a corporation, known 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: __/__/__.

APPENDIX E: Toxic Organic Management Plan (TOMP) (Sample Outline)

Step 1. Process engineering analysis

A process engineering analysis should be conducted to determine the source and type of toxic organic compounds found in the Permittee's wastewater discharge, including sources and compounds that could be reasonably be expected to the wastewater in the event of spills, leaks, *etc.*, based on the type of operations conducted at that particular facility. Such an analysis should be based on analytical results for toxic organic pollutants which can reasonably be expected to be present. The process engineering analysis should include:

- a. An examination of published reports on the Permittee's specific industry;
- b. A water flow diagram to identify all possible wastewater sources;
- c. A list of raw materials used in the industrial processes, including chemical additives, water treatment chemicals and cleaning agents, and the wastewater stream that each regulated toxic organic could potentially enter;
- d. Comparison of the toxics found in the Permittee's effluent with the list of raw materials and selection of the most probable wastewater source;
- e. Evaluation of the toxics found in the effluent, but not on the raw materials list and determination of those formed as reactive products or by-products;
- f. Examination of sources such as equipment corrosion or raw material impurities that could result in release to wastewaters of toxic organic pollutants.

Step 2. Pollutant control evaluation

An evaluation should be made of the control options that could be implemented to eliminate the toxic compounds or the source or potential source of toxic compound introduction to the treatment system. The pollutant control evaluation should be determined on a case-by-case basis and may include evaluation of the following control options:

- a. In plant process modifications, solvent or chemical substitution, partial or complete recycle, reuse, neutralization, ion exchange, or operational changes.

Step 3. Preparation of TOMP

A TOMP should include at a minimum:

- a. A complete inventory of all toxic organic chemicals in use or identified through sampling and analysis of the wastewater from regulation process operations;
- b. Descriptions of the methods of disposal other than dumping used for the inventoried compounds;
- c. The procedures for ensuring that the regulated toxic organic pollutants do not spill or leak into process wastewater, floor drains, non-contact cooling water, groundwater, surface water, or any other location which allows discharge of the compounds; and
- d. Determinations or best estimates of the identities and approximate quantities of toxic organic pollutants used as well as discharged from the regulated manufacturing processes; and
- e. Control options explored, including the effectiveness of control options in meeting effluent limits and the Permittee's choice of options and the projected schedule for implementing the selected option(s).

Step 4. Submission of TOMP and Certification Statement

A TOMP should be submitted to CWL with the TTO certification statement. An Industrial User submitting an alternative certification in lieu of monitoring must implement the TOMP approved by CWL.

APPENDIX I

Industrial Wastewater Discharge Permit
Non-Significant Industrial User
(Car Washing Facilities)



Non-Significant Industrial User
Industrial Wastewater Discharge Permit
Permit Number: XXX-XX

In compliance with the provisions and conditions of Part I, Chapter 70, Article III, Division 2, Sewer Use - Pretreatment Ordinance 12:009 of the Jonesboro Municipal Code, hereafter referred to as the Pretreatment Ordinance, and also with any applicable provisions of Federal, State of Arkansas, and local laws or regulations, including all applicable City Water and Light (CWL) regulations:

Company Name

Site Address:

Jonesboro, Arkansas 7240X

hereby known as the Permittee, is authorized to discharge industrial wastes from activities classified by NAIC code 811192 from the premises located at the above address into CWL's Wastewater Collection System in accordance with the application for permit submitted to CWL on month, day, year; effluent limitations, including BMPs; monitoring requirements; and permit conditions set forth herein.

This permit shall become effective month, day, year.

This permit and its authorization to discharge shall expire at midnight, month, day, year.

This permit is not transferable to persons, companies, or processes other than to which it is originally issued without prior notification to and approval from the Manager of CWL in accordance with Section 70-90 (5) of the Pretreatment Ordinance and provisions furnishing the new owner or operator with a copy of the existing industrial wastewater discharge permit.

Signed this # day of month, year

Jake Rice, III, P.E.
General Operations Director

Part I. Effluent Limitations**Pollutant Discharge Limitations for Process Wastewater**

During the period beginning on the effective date and lasting until the date of expiration, the Permittee is authorized to discharge from Outfall Number 001. The Permittee is an Industrial User (User) that is discharging process wastewater (**intermittently**) from Outfall Number 001 and is regulated under the Pretreatment Ordinance and applicable provisions of Federal, State of Arkansas, and local laws or regulations, including all appropriate CWL regulations.

Such discharges from Outfall Number 001 shall be limited and monitored as specified below:

DISCHARGE LIMITATIONS					
Effluent Characteristics	Mass Loading (lb/day, unless otherwise specified)	Concentration (mg/L, unless otherwise specified)		Monitoring Requirements	
		Daily	Daily	Monthly Average	Frequency {3}
Fats, Oils & Grease (FOG) {1}	N/A	100	N/A	As required	Grab
Temperature {1}	N/A	150°F		As required	Grab
pH {1}	N/A	6.0 S.U. (Min.)	11.5 S.U. (Max.)	As required	Grab

Such discharges from Outfall Number 001 are also subject to an excessive strength surcharge and excessive strength capacity charge, as set forth in Section 70-99 of the Pretreatment Ordinance as follows:

EXCESSIVE STRENGTH SURCHARGE AND CAPACITY CHARGE LIMITATIONS				
Effluent Characteristics	Concentration (mg/L, unless otherwise specified)		Monitoring Requirements	
	Daily	Monthly Average	Frequency {3}	Sample Type
Biochemical Oxygen Demand (BOD ₅) {2}	250	N/A	As required	24 Hr TC*
Total Suspended Solids (TSS) {2}	250	N/A	As required	24 Hr TC*
Fats, Oils & Grease (FOG) {2}	100	N/A	As required	Grab

*TC = Time composite

{1} Pretreatment Ordinance

{2} Maximum allowed without paying an excessive strength surcharge (applicable to BOD₅, TSS, and FOG), or excessive strength capacity charge (applicable to BOD₅ and TSS)

{3} CWL will use its discretion pertaining to sampling frequency in accordance with Part II. Monitoring Requirements, paragraph (6) of this permit.

Local Limits and Best Management Practices

To protect against pass through and interference, the Permittee may not discharge or cause to be discharged into the Publicly Owned Treatment Works (POTW) any wastewater pollutant concentration exceeding the Technically Based Local Limits (TBLLs) developed from time to time by the Manager of CWL or as required by CWL's National Pollutant Discharge Elimination System (NPDES) permits No. AR0037907 and AR0043401, authorized by 40 CFR 403.5 (c), and approved by the Arkansas Department of Environmental Quality (ADEQ).

When deemed appropriate by the Manger, specific pollutant limitations or Best Management Practices (BMPs) will be developed based on criteria approved by the Manager from time to time. These TBLLs may be performance based or based on best professional judgment, as determined by the sole discretion of the Manager on a case-by-case basis. The Manager may also develop BMPs in wastewater discharge permits to implement specific pollutant limitations. Such BMPs shall be considered Local Limits and Pretreatment Standards. BMPs, if any, shall be attached as an Appendix to this permit.

TBLLs shall apply at the "monitoring point" described in Part II. Monitoring Requirements, paragraph (2) of this permit. All concentration limits for metals pollutants shall be in terms of "total" metals unless otherwise indicated, if applicable to this permit. At the discretion of the Manager, mass limitations may be imposed in addition to or in place of concentration based TBLLs.

When new Local Limits are implemented or revised, CWL will provide individual notice to parties who have requested such notice and an opportunity to respond, as set forth by 40 CFR 403.5 (c) (3) and Section 70-87 (3) of the Pretreatment Ordinance. This requirement of notice applies whether Local Limits are set by ordinance or on a case-by-case basis.

Part II. Monitoring Requirements

1. The Permittee shall, within 30 days of the effective date of this permit, provide a sampling access facility on their process wastestreams at a "monitoring point" located before the process wastewater has mixed with any other non-process wastestreams discharged from the Permittee's premises. The location, equipment, and configuration contained in the sampling access facility shall be as approved by the Manager or Authorized Representative of the Manager.
2. The Permittee's "monitoring point" shall be Outfall Number 001, located upstream from the Permittee's connection with the CWL Wastewater Collection System and any non-process wastestreams. The Permittee's effluent shall consist of process wastewater in accordance with the conditions of this permit. The sampling facility shall be located (describe), immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists, but before the process wastewater has mixed with other non-process wastestreams. The sampling facility is to be equipped with a 110 volt GFCI outlet with the capability to connect a flow-measuring device capable of producing a 4-20 mA signal, which may be used to pace CWL sampling devices. CWL reserves the right to require the installation of a flow-measuring device.
3. Sampling and analysis of industrial wastes discharged into the CWL Wastewater Collection System shall be performed by CWL or a laboratory certified for each permitted analyte by ADEQ. Analyses shall be in accordance with 40 CFR 136, as amended, and Section 70-91(10) of the Pretreatment Ordinance.
4. The Permittee shall pay to CWL the costs of required sampling and analysis at the rates set forth in the Schedule of CWL Laboratory Charges, attached as an Appendix to this document.
5. The Permittee may, upon their request, obtain a portion of a sample for their analyses if such request is approved by CWL. Only authorized CWL personnel shall perform splitting of samples if the request is approved. Split results performed by the Permittee are for information only and will not be reportable as results for the purposes of any monitoring required by the Pretreatment Ordinance, this permit, or any order issued thereunder.
6. The frequency of sampling shall be as indicated in Part I. Effluent Limitations of this permit unless the results of monitoring indicate the need, as determined by CWL, for more or less frequent sampling. The frequency of compliance monitoring shall be in no case less than twice per year, as required by 40 CFR 403.12 and Section 70-91 (4) of the Pretreatment Ordinance. Samples shall be 24-hour composite or grab samples in accordance with 40 CFR 136, as amended, and Section 70-91(11) of the Pretreatment Ordinance. Samples shall be representative of daily operations, including production and/or cleanup days. Days on which samples are taken may be varied and shall be determined by the Manager or Authorized Representative of the Manager.
7. The Permittee shall maintain daily records of total process wastewater flows discharged to the CWL wastewater collection system. Records of the daily process wastewater discharged to the CWL wastewater collection system shall be reported upon request, in writing to the Manager or the Authorized Representative of the Manager.

Part III. Conditions of Permit1. Permit Fee

The Permittee shall pay an annual permit fee to CWL, as set forth in the Schedule of CWL Laboratory Charges included as an Appendix to this permit. This fee represents the Permittee's pro rata share of the costs incurred by CWL to administer CWL's Industrial Pretreatment Program.

2. Pretreatment Facility Approval

The Manager or Authorized Representative of the Manager shall approve all plans and specifications for new or modifications to existing monitoring access facilities and pretreatment facilities.

3. Report of Potential Problems

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 any spill and/or slug loading which may cause potential problems for the POTW, the Permittee shall notify the CWL Pretreatment Coordinator immediately via telephone (870.930.3392) or the CWL dispatcher after normal business hours (870.935.5581), as set forth in Section 70-91(6) of the Pretreatment Ordinance. Immediate, appropriate action shall be taken by the Permittee to mitigate any adverse effects of the discharge.

Within five (5) days following such discharge, the Permittee shall, unless waived by the Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Permittee to prevent similar future occurrences, in accordance with Section 70-91 (6) of the Pretreatment Ordinance.

4. Accidental or Slug/Spill Discharge Control Plans

The Manager shall evaluate whether the Permittee needs an accidental or slug/spill discharge control plan, in accordance with Section 70-88 (3) of the Pretreatment Ordinance. The Manager may require the Permittee to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control spill or slug discharges. An accidental or slug/spill 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 CWL of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges established in Section 70-87 of the Pretreatment 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 run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

The Permittee shall notify CWL immediately of any changes at its facility affecting potential for a slug discharge.

If an Accidental or Slug/Spill Discharge Control Plan has been accepted and approved by CWL for this Permittee's facility, the Plan is attached as an Appendix to this permit.

5. Report of Changed Conditions

The Permittee shall notify the Manager or Authorized Representative of the Manager in writing at least sixty (60) days prior to any change in production or treatment processes which would significantly affect the nature, quality, or volume of the wastewater discharged to the CWL Wastewater Collection System, as set forth in Section 70-91 (5) of the Pretreatment Ordinance. The Permittee shall not implement the planned changed conditions until and unless the CWL Pretreatment Coordinator has responded to the Permittee's notice. The Manager or Authorized Representative of the Manager must also be notified in writing when there is a change in pretreatment contact personnel at the Permittee's facilities.

6. Hazardous Waste

Any Permittee who commences or causes the commencement of the discharge of hazardous waste, in compliance with 40 CFR 403.12 (p) (1) and Section 70-91 (9) of the Pretreatment Ordinance, shall notify the Manager, the EPA Region VI Waste Management Division Director, and State hazardous waste authorities in writing of any discharge to the POTW of any substance(s) which, if otherwise disposed, would be classified as a hazardous waste under 40 CFR 261. Notification requirements and exemptions shall be as set forth in Section 70-91 (9) of the Pretreatment Ordinance.

The Permittee shall maintain documentation pertaining to the disposal of sludges or other materials classified as hazardous wastes by a method and at a site approved by appropriate State of Arkansas and Federal Regulatory Agencies.

7. Right of Entry

For the purpose of determining whether the Pretreatment Ordinance and any permit or order issued thereunder is being met and whether the Permittee is complying with all requirements thereof, the Manager and/or the Authorized Representative of the Manager shall have the right to enter any facilities of the Permittee, including but not limited to the production, materials storage, and wastewater pretreatment areas of the facility. The Permittee shall allow 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, as set forth Section 70-92 of the Pretreatment Ordinance.

8. Recordkeeping

The Permittee shall retain and make available for inspection and copying by the Manager and/or the Authorized Representative of the Manager, all records and information required to be retained in accordance with Section 70-91 (13) of the Pretreatment Ordinance, including all information resulting from any monitoring activities. These records shall remain available for a minimum of three (3) years, with the exception that this period shall be automatically extended for the duration of any enforcement action concerning compliance with the Pretreatment Ordinance or where the Permittee has been specifically notified of a longer retention period by the Manager.

9. General Prohibitions

As established in Section 70-87 (1) (A) of the Pretreatment Ordinance, the Permittee shall not introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all Industrial Users of the POTW, whether or not the User is subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

10. Specific Prohibitions

As established in Section 70-87 (1) (B) of the Pretreatment Ordinance, the Permittee shall not contribute or cause to be introduced the following specifically prohibited pollutants, substances, or wastewater to the POTW:

- (A) Pollutants which create a fire or explosive hazard in the municipal wastewater collection

system or POTW, including but not limited to waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

- (B) Any wastewater having a pH less than 6.0 S.U. or more than 11.5 S.U., or otherwise causing corrosive structural damage to the POTW or equipment or endangering CWL personnel;
- (C) Solid or viscous substances in amounts which will cause obstruction of the flow to and within the POTW or result 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 (BOD₅, *etc.*), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW or any wastewater treatment or sludge process, or which will constitute a hazard to humans;
- (E) Any wastewater having a temperature greater than 150°F (65°C) or that which will inhibit biological activity in the treatment plant and result in interference, but in no case wastewater which causes the temperature at the introduction into the WWTP to exceed 104°F (40°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 that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (H) Any trucked or hauled pollutants, except at discharge points designated by the Manager in accordance with Section 70-88 (5) of the Pretreatment Ordinance.
- (I) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent human entry into the sewers for maintenance and repair;
- (J) Any wastewater which imparts color that 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 CWL's NPDES permit;
- (K) Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Manager in an industrial wastewater discharge permit and in compliance with applicable State or Federal regulations;
- (L) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the Manager;
- (M) Any sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (N) Any medical wastes, except as specifically authorized by the Manager in an industrial wastewater discharge permit;
- (O) Any wastewater causing the treatment plant's effluent to fail a toxicity test;
- (P) Any wastes containing detergents, surface-active agents, surfactants, or other substances that

may cause excessive foaming or scum in the POTW;

- (Q) Any wastes containing fats, oils, or grease (FOG) of animal, vegetable, or mineral origin exceeding one hundred (100) mg/L, except as specifically authorized by the Manager; and
- (R) Any liquids, solids, or gases which by reason of nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Wastewater causing two (2) readings on an explosions hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 5% or any single reading over 10% of the Lower Explosive Limit of the meter.

11. Significant Noncompliance

In accordance with 40 CFR 25 and in the enforcement of National Pretreatment Standards, the Manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the Industrial Users which, during the previous 12 months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. An SIU (or any IU in violation of paragraphs (C), (D), or (H) below) is in Significant Noncompliance if the violation meets or exceeds one or more of the following:

- (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 during a six-month period exceed by any magnitude a numeric Pretreatment Standard or Requirement, including instantaneous discharge limits, as defined by 40 CFR 403.3 (1) and Section 70-87 of the Pretreatment Ordinance;
- (B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all the measurements taken for each pollutant parameter during a six-month period equal or exceed the product of numeric Pretreatment Standard or Requirement, including instantaneous discharge limits, as defined by 40 CFR 403.3 (1) and Section 70-87 of the Pretreatment Ordinance, multiplied by the applicable criteria [1.4 for BOD, TSS; and FOG and 1.2 for all other pollutants except pH];
- (C) Any other violation of a Pretreatment Standard or Requirement, as defined by 40 CFR 403.3 (1) and Section 70-87 of the Pretreatment Ordinance (daily maximum, long-term average, instantaneous discharge limit, or narrative standard) that the Manager determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of CWL personnel and/or the general public);
- (D) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment or has resulted in the Manager exercising emergency authority to halt or prevent such a discharge;
- (E) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (F) Failure to provide, within 45 days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G) Failure to accurately report noncompliance; or

- (H) Any other violation(s), which may include a violation of Best Management Practices, which the Manager determines will adversely affect the operation or implementation of the local pretreatment program.

12. Civil and Criminal Penalties and Fines

The Permittee shall be subject to applicable civil and criminal penalties and fines and any applicable compliance schedule for violation of any provision of the Pretreatment Ordinance, Pretreatment Standards and Requirements, and provisions and conditions of this wastewater discharge permit, as provided for by Arkansas State Statutes, the Pretreatment Ordinance, and all applicable CWL regulations. Such compliance schedules may not extend the time for compliance beyond that required by applicable Federal, State, or local law. As established in Sections 70-96 (2-3) of the Pretreatment Ordinance and Sections 70-111 (2-3) of the General Sewer Use Ordinance, as applicable, such civil penalties and criminal fines may not exceed \$1,000.00 per violation per day.

13. Administrative Fines

The Permittee shall be subject to applicable administrative fines for violation of any provision of the Pretreatment Ordinance, Pretreatment Standards and Requirements, and provision and conditions of this wastewater discharge permit. As established in Section 70-95 (6) of the Pretreatment Ordinance and Section 70-110 (6) of the General Sewer Use Ordinance, as applicable, such administrative fines may not exceed \$1,000.00 per each violation, with each day of a continuing violation deemed a separate violation in an amount not to exceed \$500.00 for each day the violation continues. The Manager may add the costs of preparing administrative enforcement action, such as notices and orders, to the fine.

14. Emergency Suspensions

The Manager or Authorized Representative of the Manager may immediately suspend the Permittee's discharge (after informal notice to the Permittee) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent and substantial endangerment to the health or welfare of persons. The Manager or Authorized Representative of the Manager may also immediately suspend the Permittee'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) If notified of a suspension of its discharge, the Permittee shall immediately stop or eliminate its contribution. In the event of the Permittee's failure to immediately and voluntarily comply with the suspension order, the Manager or Authorized Representative of the Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage or endangerment to the POTW, the POTW's receiving stream, or any person. The Manager or Authorized Representative of the Manager shall allow the Permittee to recommence discharging to the POTW when the Permittee has demonstrated to the satisfaction of the Manager that the period of endangerment has passed, unless termination proceedings set forth in Section 70-95 (8) of the Pretreatment Ordinance or Section 70-110 (8) of the General Sewer Use Ordinance, as applicable, are initiated against the Permittee.

- (B) A User that is responsible, in whole or in part, for any discharge presenting imminent and substantial endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Manager or Authorized Representative of the Manager, prior to the date of any show cause or termination hearing under Sections 70-95 (3) and 70-95 (8) of the Pretreatment Ordinance or Sections 70-110 (3) and 70-110 (8) of the General Sewer Use Ordinance, as applicable.

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

15. Termination of Discharge

In addition to those provisions set forth in Section 70-90 (6) of the Pretreatment Ordinance and Sections 70-107 through 70-109 of the General Sewer Use Ordinance, as applicable, any Industrial User that violates the following conditions as established in Section 70-95 (8) of the Pretreatment Ordinance and Section 70-110 (8) of the General Sewer Use Ordinance, as applicable, wastewater discharge permits, any orders issued thereunder, or any other Pretreatment Standard or Regulation, including but not limited to those conditions listed below, is subject to termination of wastewater discharge:

- (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/or characteristics prior to discharge;
- (D) Refusal of reasonable access to the Permittee's premises for the purpose of inspection, monitoring, and/or sampling; or
- (E) Violation of the Pretreatment Standards set forth in Section 70-87 of the Pretreatment Ordinance and Section 70-108 of the General Sewer Use Ordinance, as applicable.

Such Users in violation will be notified by the Manager or Authorized Representative of the Manager of the proposed termination of its discharge and be offered an opportunity to show cause under Section 70-95 (3) of the Pretreatment Ordinance or Section 70-110 (3) of the General Sewer Use Ordinance, as applicable, why the proposed action should not be taken.

16. Wastewater Discharge Permit Transfer

As provided under Section 70-90 (5) of the Pretreatment Ordinance, wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least thirty (30) days advance notice to the Manager, unless the thirty (30) day period is otherwise waived by the Manager, and the Manager approves the wastewater discharge permit transfer. The notice to the Manager must include a written certification by the new owner and/or operator which:

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

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

17. Permit Revocation

The Manager may revoke wastewater discharge permits for the following reasons:

- (A) Failure to notify the Manager of significant changes to the wastewater prior to the changed discharge;
- (B) Failure to provide prior notification to the Manager of changed conditions pursuant to Section 70-91 (5) of the Pretreatment Ordinance;

- (C) Misrepresentation or failures to fully disclose all relevant facts in the wastewater discharge permit application;
- (D) Falsification of self-monitoring reports and/or certification statements;
- (E) Tampering with monitoring equipment
- (F) Refusal to allow the 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, including any surcharges or capacity charges;
- (J) Failure to meet compliance schedules;
- (K) Failure to complete a wastewater survey or the wastewater discharge permit application, or failure to update such information as required by the Pretreatment Ordinance;
- (L) Failure to provide advance notice of the transfer of a permitted facility; or
- (M) Violation of any Pretreatment Standard or Requirement, any terms of wastewater discharge permit, or the Pretreatment Ordinance.

Unless a transfer is approved in accordance with Section 70-90 (5) of the Pretreatment Ordinance and as described here, wastewater discharge permits shall also be voided and revoked upon an unapproved transfer of facility ownership or following a period of ninety (90) days of disuse or cessation of operations at the facility.

18. Facility Closure Notification

A minimum of ninety (90) days before the closure of a facility or a period of facility disuse of ninety (90) days or more, the Permittee shall notify CWL in writing of the anticipated date of closure, as well as the anticipated date of resumption of facility use, if any, in accordance with Section 70-90 (7) of the Pretreatment Ordinance.

19. Permit Modification

As set forth by Section 70-90 (4) of the Pretreatment Ordinance, the Manager may modify this permit at any time during the permit effective dates for good cause including, but not limited to the following:

- (A) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (B) To address significant alterations or additions to the Permittee'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, beneficial sludge use, or the receiving waters;

- (E) Violation of any terms or conditions of the wastewater discharge permit;
- (F) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (G) Revision of Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- (H) To correct typographical or other clerical errors in the wastewater discharge permit; or
- (I) To reflect a transfer of the facility ownership and/or operation to a new owner or operator where request in accordance with Section 70-90 (5) of the Pretreatment Ordinance.

20. Wastewater Discharge Permit Reissuance:

In accordance with Section 70-90 (8) of the Pretreatment Ordinance, a User with an expiring wastewater discharge permit shall apply for the reissuance of a wastewater discharge permit by submitting a complete wastewater discharge permit application, acceptable to the Manager, in accordance with Section 70-89 (5) of the Pretreatment Ordinance, a minimum of sixty (60) days prior to the expiration of the Permittee's existing wastewater discharge permit.

Conditions of this permit will continue in effect past the expiration date pending issuance of a new permit, if:

- (A) The Permittee has submitted a timely and complete application; and
- (B) CWL, through no fault of the Permittee, fails to issue a new permit prior to the expiration of the previous permit.

Schedule of CWL Laboratory Charges

Annual Industrial Pretreatment Permit Fee = \$716.69 (\$59.72 per month)

Excessive Strength Surcharge Formula:

$$S = (V_{ww}) (8.34) [C_{BOD_5} (BOD_5-250) + C_{TSS} (TSS-250) + C_{FOG} (FOG-100)]$$

Where: S = Surcharge in dollars
V_{ww} = Volume of wastewater in millions of gallons
8.34 = Weight in pounds of one gallon of water
C_{BOD₅} = Charge per pound of BOD₅ = \$0.097, effective February 2012
C_{TSS} = Charge per pound of TSS = \$0.097, effective February 2012
C_{FOG} = Charge per pound of FOG = \$0.287, effective February 2012
BOD₅ = Biochemical Oxygen Demand in mg/L of the Industrial User's wastewater
TSS = Total Suspended Solids in mg/L of the Industrial User's wastewater
FOG = Fats, Oils, and Grease in mg/L of the Industrial User's wastewater
250 = Concentration in mg/L above which both BOD₅ and TSS are defined as "excessive" and a surcharge may be assessed
100 = Concentration in mg/L above which FOG is defined as "excessive" and a surcharge may be assessed

Excessive Strength Capacity Charge Formula:

$$CAP = (V_{ww}) (8.34) [((\text{Greater of } BOD_5 \text{ or } TSS) - 250) C_{CAP}]$$

Where: CAP = Capacity Charge in dollars
V_{ww} = Volume of wastewater in millions of gallons
8.34 = Weight in pounds of one gallon of water
C_{CAP} = Charge per pound for Greater of BOD₅ or TSS = \$0.134, effective February 2012
BOD₅ = Biochemical Oxygen Demand in mg/L of the Industrial User's wastewater
TSS = Total Suspended Solids in mg/L of the Industrial User's wastewater
250 = Concentration in mg/L above which both BOD₅ and TSS are defined as "excessive" and a capacity charge may be assessed

CWL Laboratory Sampling and Analysis Fees:

Biochemical Oxygen Demand (BOD ₅)	\$	25.23
Chemical Oxygen Demand (COD)	\$	25.23
Fats, Oils, and Grease (FOG)	\$	30.96
pH	\$	8.03
Total Suspended Solids (TSS)	\$	11.47
Metals (Flame atomic absorption/per metal)	\$	11.47
Metal digestion (per sample)	\$	11.47
Ammonia Nitrogen	\$	19.49
Sample/Flowmeter Rental (per day)	\$	61.92
Grab Sample Collection (per day)	\$	17.20
Cyanide	\$	Set by contract lab
Contract Laboratory	\$	Set by approved lab (per analyte)

Charges are subject to revision. At a minimum, permit fees, excessive strength surcharges, excessive strength capacity charges and laboratory charges will be annually adjusted consistent with the Consumer Price Index.

If another laboratory is used, it must be an approved certified laboratory by the Arkansas Department of Environmental Quality (ADEQ). CWL will collect and split samples for analysis if requested by the User and approved by CWL. Sample collection fees will apply to samples analyzed by an approved contract laboratory.

Your facility will be billed from CWL for the contract laboratory samples as a miscellaneous fee. Sampling and analysis performed in compliance with 40 CFR 136, as amended, and as set forth in Sections 70-91 (10) and (11) of the Pretreatment Ordinance.

APPENDIX B: APPROVED ACCIDENTAL OR SPILL/SLUG DISCHARGE CONTROL PLAN

<p><u>CWL use only:</u> Date Plan approved by CWL: ___ / ___ / ___</p>
--

APPENDIX C: BEST MANAGEMENT PRACTICES

APPENDIX J

Annual Pretreatment Industrial Inspection Report



Annual Pretreatment Industrial Inspection Report

Inspection date and time:

Investigators:

Report completed by: _____

Report reviewed by: _____

Section I. Facility Information. (Complete during interview)

01. Industry (IU) name:

02. Site address:

Jonesboro, AR 7240

03. Correspondence address:

City/ State/ ZIP:

04a. Is the IU subject to National Categorical Standards?

•

04b. If yes to 4a, which standards?

•

05. This IU discharges to which CWL POTW:

•

06. CWL pretreatment program permit number:

•

07. IU NAIC codes:

•

08. Number 1 IU Contact:

Title:

Phone number:

E-mail address:

09. Number 2 IU Contact:

Title:

Phone number:

E-mail address:

10. Signatory authority:

Title:

Phone number:

E-mail address:

11. Corp. environmental contact:

Address:

City/ State/ ZIP:

Phone number:

E-mail address:

12. IU Production days:

13. Number of shifts and hours:
 -
14. Number of employees:
 - Total:
 - Production:
 - Administrative:
15. Seasonal variations:
 -
16. Emergency response and spill planning information:
 - a. Is there a written spill plan on file for notifying CWL in the event of a slug load or spill?
 -
 - b. Does CWL have a copy in the IU's file of the plan?
 -
 - c. Is there a potential for a direct chemical spill into the sewer at any location adjacent to a wastestream?
 -
 - d. Is there a sign posted in the chemical storage/ use areas as to whom to notify in the event of a spill?
 -
17. Assessment of spill containment areas:
 - a. Does the IU generate hazardous waste?
 -
 - b. Does the IU have manifests of their hazardous wastes disposal?
 -
 - c. Does the IU have a Total Toxic Organic (TTO) limit in their permit?
 -
18. Slug Control Assessment:
 - Date questionnaire given to contact: ___/___/___
 - Date questionnaire returned to CWL: ___/___/___
 - Date Slug/Spill Control Plan Approved: ___/___/___

Section II. Facility Inspection. (Information gathered during inspection, this date.)
Process Review.

01. Have there been any process changes at this facility since the previous inspection?
 -
02. Describe the IUs processes which generate regulated wastestreams:
 -
03. What are the raw materials and chemicals used in the above processes?
 -
04. What are the pollutants generated in the IUs processes?
 -
05. Attach a copy of the floor plan to this document.
 - Attached

Notes:

 - The floor plan must show the location and flows of all wastewater.

- Request current plan if major changes have occurred or the plan on file is more than 2 years old.
06. Describe the location and type of the sampling facility:
-

Pretreatment Systems (If no system, go to Section III.)

01. Describe the pretreatment system:
-
02. Who operates the system?
-
03. Are the operator(s) licensed by the ADEQ?
- Are the licenses current?
04. Is the pretreated wastewater discharge batch or continuous?
- If batch, what is the volume of each batch?
 - How many batches are discharged at each time?
 - What is the duration of each batch discharge?
05. How is the generated sludge disposed?
-

Section III. Facility File Review

01. When does the current facility permit expire?
-
02. Does the IU contact understand the facility's permit?
-
03. Does the contact have any questions or comments?
-
04. Self-monitoring reports.
- Does the IU perform self-monitoring analysis?
No, all regulatory sampling and analysis is performed by CWL or sampled by CWL and sent to ADEQ certified laboratories for analysis.

Section IV. National Pollutant Discharge Elimination System (NPDES) Information

01. Does the IU possess an NPDES permit?
-
02. Inform the IU that an NPDES permit may be required if there is any wastewater generated directly to the waters of the state of Arkansas.
- Done.

Section V. Pollution Prevention (P2)

01. Is any pollution prevention training done at this location?
-
02. Are there any in-house environmental/ pollution prevention teams at this IU?
-
03. Are there any incentive programs offered to employees to reduce pollution/ wastes?

04. Does the IU have any recycling programs?

-
-

Section VI. Inspection Results and Required Responses

01. Results

-

02. Required Responses

-

APPENDIX K

Laboratory Chain of Custody and
Procedure Documents



Industrial Biochemical Oxygen Demand
Standard Methods 20th Edition #5210B
 Testing performed in compliance with 40 CFR 136

Industry name: _____

Sample date: ___/___/___ Sample time: ___:___ M Sampled by: _____

Analysis Information:

Analysis date: ___/___/___ Set-up time: ___:___ M Set-up by: _____

Take-off date: ___/___/___ Take-off time: ___:___ M Taken-off by: _____

Sample storage time: _____ hours @ 4° C.

Initial sample pH: _____ S.U. (Adjusted sample pH: _____ SU, sample must be between 6.0-8.5)

Sample temperature _____ °C Note: Samples and dilution water must be between 17-23 °C

Dilution water temperature _____ °C Dilution water pH _____ S.U.

Initial Cl residual _____ mg/L Chlorine residual after de-chlorination _____ mg/L

Sample de-chlorinated with _____ ml of Na2SO3 per 100ml sample

10ml seed per liter=1%

Comment on blank depletion >/= 0.2 mg/L

Comments and corrective actions taken: _____

Bottle Number	Percent Dilution	mLs of Sample	Dissolved oxygen		BOD5 (mg/L)	BOD Average _____ mg/L
			Initial	5 day		
() _____	* 4.00	40.00	_____	_____	_____	
() _____	* 2.00	20.00	_____	_____	_____	
() _____	* 2.00	20.00	_____	_____	_____	
() _____	* 1.00	10.00	_____	_____	_____	
() _____	* 1.00	10.00	_____	_____	_____	
() _____	* 0.50	05.00	_____	_____	_____	
() _____	* 0.50	05.00	_____	_____	_____	
() _____	* 0.27	02.70	_____	_____	_____	
() _____	* 0.27	02.70	_____	_____	_____	
() _____	* 0.13	01.30	_____	_____	_____	
() _____	* 0.13	01.30	_____	_____	_____	
() _____	* 0.07	00.70	_____	_____	_____	
() _____	* 0.07	00.70	_____	_____	_____	
() _____	Blank 100.00	00.00	_____	_____	_____	

*Seeded Sample

Seed correction: _____ mg/L.

Seed date: ___/___/___

Nitrogen (Ammonia) Ion Selective Electrode Method

Standard Methods 20th Edition #4500-NH3 D (P.4-78)

Analyst: _____ Analysis Date: ___/___/___

Standards Calibration: Standard Concentrations (mg/L): 0.1 1.0 10.0 100.0

Eastside POTW: (Outfall 001A)	Sample Date:	Dechlorinated with Na2SO3 (mL)	Results (mg/L)	Dilution Factor %
<input type="checkbox"/> Final (24 hr comp)	___/___/___	_____	_____	100
<input type="checkbox"/> Final (24 hr comp)	___/___/___	_____	_____	100
<input type="checkbox"/> Final (24 hr comp)	___/___/___	_____	_____	100
<input type="checkbox"/> Raw (24 hr comp)	___/___/___	_____	_____	100
<input type="checkbox"/> Raw (24 hr comp)	___/___/___	_____	_____	100
<input type="checkbox"/> Raw (24 hr comp)	___/___/___	_____	_____	100
<input type="checkbox"/> E. Domestic (24 hr cmp)	___/___/___	_____	_____	100
<input type="checkbox"/> E. Biosolids	___/___/___	_____	_____	100

Westside POTW: (Outfall 001A)	Sample Date:	Dechlorinated with Na2SO3 (mL)	Results (mg/L)	Dilution Factor %
<input type="checkbox"/> Final (24 hr comp)	___/___/___	_____	_____	100
<input type="checkbox"/> Final (24 hr comp)	___/___/___	_____	_____	100
<input type="checkbox"/> Final (24 hr comp)	___/___/___	_____	_____	100
<input type="checkbox"/> Raw (24 hr comp)	___/___/___	_____	_____	100
<input type="checkbox"/> Raw (24 hr comp)	___/___/___	_____	_____	100
<input type="checkbox"/> Raw (24 hr comp)	___/___/___	_____	_____	100
<input type="checkbox"/> W. Domestic (24 hr cmp)	___/___/___	_____	_____	100
<input type="checkbox"/> W. Biosolids	___/___/___	_____	_____	100
<input type="checkbox"/> Riceland (Inf)	___/___/___	_____	_____	100
<input type="checkbox"/> Riceland (Eff)	___/___/___	_____	_____	100
<input type="checkbox"/> Riceland (Eff)	___/___/___	_____	_____	100
<input type="checkbox"/> Riceland (Eff)	___/___/___	_____	_____	100

Quality Control:	Date:	De-chlorinated with Na2SO3 (mL)	Results (mg/L)	Dilution Factor %
DI Water Blank	___/___/___	NA	_____	100
Duplicate _____	___/___/___	_____	_____	100
Duplicate _____	___/___/___	_____	_____	100

Spiked Sample: ___/___/___
 A. Meter reading before spike: _____
 B. Meter reading after spike: _____
 C. Spike concentration: _____ mg/L
 D. Percent Recovery: _____ %

Spiked Sample: ___/___/___
 A. Meter reading before spike: _____
 B. Meter reading after spike: _____
 C. Spike concentration: _____ mg/L
 D. Percent Recovery: _____ %

CWL Chain of Custody, Major Permits

Jonesboro City Water and Light 400 East Monroe Avenue Jonesboro, AR 72403-1289

Ind. Name & Permit No: Permittee Name Permit Number

Sample No: _____

Sample Date: _____

Comments: _____

Sampler/ Flow Meter Information
(x) Flow measuring device used

Flow Meter Reading
2 nd Reading
1 st Reading
Total (Gallons)

Wastewater Characteristics: Color: _____ Visible Oil Film: () Yes () No

(X)	Parameter	Sampled			Analyzed			Destroyed	
		By:	Time:	Date:	By:	Time:	Date:	By:	Date:
()	pH: ___ S.U., G	___	__:__ _M	_/_/__	___	__:__ _M	_/_/__	N/A	N/A
()	Temperature: ___ ° F, G	___	__:__ _M	_/_/__	___	__:__ _M	_/_/__	N/A	N/A

The following samples are preserved @ 4C:

()	BOD₅ 24 Hr. Comp	___	__:__ _M	_/_/__	___	N/A	_/_/__	___	_/_/__
		(1) Sample relinquished by: ___ to ___ @ __: __ _M			(2) Sample relinquished by: ___ to ___ @ __: __ _M				
()	TSS 24 Hr. Comp	___	__:__ _M	_/_/__	___	N/A	_/_/__	___	_/_/__
		(1) Sample relinquished by: ___ to ___ @ __: __ _M			(2) Sample relinquished by: ___ to ___ @ __: __ _M				
()	FOG, Grab pH (adj<2 w/ ___ml 1:1 HCl): ___ S.U.	___	__:__ _M	_/_/__	___	N/A	_/_/__	___	_/_/__
		(1) Sample relinquished by: ___ to ___ @ __: __ _M			(2) Sample relinquished by: ___ to ___ @ __: __ _M				
()	Zinc, T. 24 Hr. Comp	___	__:__ _M	_/_/__	___	N/A	_/_/__	___	_/_/__
		(1) Sample relinquished by: ___ to ___ @ __: __ _M			(2) Sample relinquished by: ___ to ___ @ __: __ _M				

(X)	Parameter	Sampled			Analyzed			Destroyed	
		By:	Time:	Date:	By:	Time:	Date:	By:	Date:
()		___	__:__ _M	_/_/__	___	N/A	_/_/__	___	_/_/__
		(1) Sample relinquished by: ___ to ___ @ __: __ _M			(2) Sample relinquished by: ___ to ___ @ __: __ _M				
()		___	__:__ _M	_/_/__	___	N/A	_/_/__	___	_/_/__
		(1) Sample relinquished by: ___ to ___ @ __: __ _M			(2) Sample relinquished by: ___ to ___ @ __: __ _M				

APPENDIX L

Enforcement Response Plan

APPENDIX L

City Water and Light of Jonesboro, Arkansas INDUSTRIAL PRETREATMENT ENFORCEMENT RESPONSE GUIDE¹

Abbreviations and Acronyms Used in Enforcement Response Guide	
AO	Administrative Order
Civil Action	Civil Litigation seeking equitable relief, monetary penalties, or monetary damages through a court of law
PTO	Pretreatment Ordinance 12:009 – Part I, Chapter 70, Article III, Division 2 of the Jonesboro Municipal Code
Compliance Meeting	Informal meeting with IU to discuss resolution of recurring noncompliance
Consent Order	An administrative order which constitutes a negotiated two-party agreement which may include compliance schedules, stipulated fines, or remedial actions
Criminal Prosecution	Prosecution of a criminal charge through a court of law
D	General Operations Director
IU	Industrial User
Board	Board of Directors of CWL
LS	Laboratory Supervisor
M	CWL Manager
NOV	Notice of Violation, written
PC	Pretreatment & Laboratory Coordinator
WWTS	Water and Wastewater Treatment Superintendent
SNC	Significant Noncompliance
SV	Significant Violation
Show Cause	Formal meeting requiring the IU to appear and demonstrate why the Control Authority (CWL) should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

¹ Nothing in this Enforcement Response Guide shall limit the authority of CWL to take any action, including emergency actions or any other enforcement action, without first taking a prerequisite action against the User.

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

Enforcement Response	Legal Authority
Notice of Violation	Section 70-95 (1) of PTO
Consent Orders	Section 70-95 (2) of PTO
Show Cause	Section 70-95 (3) of PTO
Compliance Orders	Section 70-95 (4) of PTO
Cease and Desist Order	Section 70-95 (5) of PTO
Administrative Fine	Section 70-95 (6) of PTO
Emergency Suspension	Section 70-95 (7) of PTO
Termination of Discharge	Section 70-95 (8) of PTO
Injunctive Relief	Section 70-96 (1) of PTO
Civil Action	Section 70-96 (2) of PTO and A.C.A. 8-4-103 (g) <i>et seq</i>
Criminal Prosecution	Section 70-96 (3) of PTO and A.C.A. 8-4-103 (g) <i>et seq</i>
Water Supply Severance	Section 70-97 (3) of PTO
Fine for Late Reports	Section 70-97 (5) of PTO

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NONCOMPLIANCE	NATURE OF THE VIOLATION	RANGE OF ENFORCEMENT RESPONSES	PERSONNEL
ADMINISTRATIVE VIOLATIONS AND UNAUTHORIZED DISCHARGES (Not a Permit Violation)			
1. Unpermitted Discharge	IU unaware of requirement; no known harm to POTW or environment.	Phone call; informal letter/email; formal letter; NOV; AO requiring permit application and wastewater analyses.	PC, LS, WWTS, D
	Results in damage to the POTW or significant environmental effect.	NOV; AO requiring permit application and wastewater analyses; show cause; administrative fine; civil action to recover monetary loss; order to suspend source; termination of service.	PC, LS, WWTS, D, M, Board
2. Non-Permitted Discharge (failure to apply)	Failure to apply for permit or renewal; no known harm to POTW or environment.	Phone call; informal letter/email; formal letter; NOV; AO requiring permit application.	PC, LS, WWTS, D
DISCHARGE LIMIT VIOLATION			
1. Exceedance of Pretreatment Standard (discharge limits)	Isolated, not significant.	Phone call; informal letter/email; formal letter; NOV (isolated and 2 nd offense).	PC, LS, WWTS, D
	Isolated, significant with no known damage resulting.	NOV; compliance meeting; AO to develop spill prevention plan.	PC, LS, WWTS, D
	Isolated, resulting in damage to POTW or environment.	NOV; compliance meeting; AO to develop spill prevention plan; show cause; administrative fine; civil action to recover monetary loss.	PC, LS, WWTS, D, M, Board
	Recurring, with no known damage resulting.	NOV; compliance meeting; AO to develop compliance plan; consent order with or without penalties; administrative fine.	PC, LS, WWTS, D, M
	Recurring; resulting in damage to POTW or environment.	NOV and any of the following: compliance meeting; order to suspend discharge; AO to show cause; administrative fine; civil action to recover monetary loss; consent order; termination of service.	PC, LS, WWTS, D, M, Board

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NONCOMPLIANCE	NATURE OF THE VIOLATION	SCOPE OF ENFORCEMENT RESPONSES	PERSONNEL
MONITORING AND REPORTING VIOLATIONS			
1. Reporting Violations	Report is improperly signed or certified.	Phone call; informal letter/email; formal letter; NOV.	PC, LS, WWTS, D
	Report is improperly signed or certified after notice.	AO requiring proper signature or certification within 20 days.	PC, LS, WWTS, D
	Late, 5-20 days; isolated.	Phone call; informal letter/email; formal letter; NOV.	PC, LS, WWTS, D
	Late, 20-45 days.	Phone call; informal letter/email; formal letter; NOV; fine for late report.	PC, LS, WWTS, D, M
	Late, 45 days or more for any report, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.	AO requiring to submit; compliance meeting; fine for late report; designation of IU as in Significant Noncompliance.	PC, LS, WWTS, D, M
	Frequent, repeatedly or continuously late reports. (No required reports ever submitted).	Show cause; administrative fine; fine for late report; civil action or criminal prosecution seeking penalties.	PC, LS, WWTS, D, M, Board
Failure to report isolated slug (spill) or changed discharge (permit violation) with no known damage within 5 days of incident.	Phone call; informal letter/email; formal letter; NOV; fine for late report (beginning 20 days after report is due).	PC, LS, WWTS, D, M	
Failure to report isolated, frequent or continued slug (spill) or changed discharge which results in damage to POTW or environment within 5 days of incident.	Phone call; informal letter/email; formal letter; NOV; show cause; administrative fine; fine for late report (beginning 20 days after report is due); consent order with or without penalties; civil action to recover losses or criminal prosecution seeking penalties; terminate service.	PC, LS, WWTS, D, M, Board	
Falsification.	Criminal investigation; show cause; administrative fine; criminal prosecution; terminate service.	PC, LS, WWTS, D, M, Board	
2. Failure to monitor correctly	Failure to monitor all permit parameters, or monitoring not in accord with 40 CFR 136.	Phone call; informal letter/email; formal letter; NOV.	PC, LS, WWTS, D
	Recurring failure to monitor correctly.	Compliance meeting; show cause; administrative fine; consent order with or without penalties; civil action seeking penalties.	PC, LS, WWTS, D, M, Board
3. Criminal Acts	Improper monitoring or tampering with monitoring equipment to render monitoring results inaccurate or falsify monitoring information.	Criminal investigation; show cause; administrative fine; criminal prosecution; terminate service.	PC, LS, WWTS, D, M, Board
4. Failure to install monitoring equipment required by CWL	5-30 days late.	Phone call; informal letter/email; formal letter; NOV.	PC, LS, WWTS, D
	More than 30 days late, without documentation of good cause acceptable to CWL.	Compliance meeting; show cause; administrative fine; consent order with or without penalties; civil action or criminal prosecution seeking penalties; termination of service.	PC, LS, WWTS, D, M, Board

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NONCOMPLIANCE	NATURE OF THE VIOLATION	RANGE OF ENFORCEMENT RESPONSES	PERSONNEL
COMPLIANCE SCHEDULES			
1. Missed Milestone	Missed milestone for good cause acceptable to CWL which will not affect subsequent milestone dates or final compliance date.	Phone call; informal letter/email; formal letter; NOV.	PC, LS, WWTS, D
	Missed milestone for no good cause acceptable to CWL which will affect subsequent milestone dates or final compliance date.	Informal letter/email; formal letter; NOV; compliance meeting; show cause; administrative fine; consent order with or without penalties; civil action or criminal prosecution seeking penalties.	PC, LS, WWTS, D, M, Board
	Missed final compliance date for good cause acceptable to CWL.	Phone call; informal letter/email; formal letter; NOV.	PC, LS, WWTS, D
	Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance	Compliance meeting; designated of IU as in Significant Noncompliance.	PC, LS, WWTS, D, M
	Missed final compliance date or refusal to comply for no good cause acceptable to CWL.	Show cause; administrative fine; civil action or criminal prosecution seeking penalties; termination of service.	PC, LS, WWTS, D, M Board
2. Failure to meet reporting requirements	Completed milestone on schedule but failed to report in accord with compliance schedule.	Phone call; informal letter/email; formal letter; NOV.	PC, LS, WWTS, D
	Late, 45 days or more, for report on compliance with compliance schedules	AO requiring to submit; compliance meeting; fine for late report; designation of IU as in Significant Noncompliance.	PC, LS, WWTS, D, M
	Reporting false information.	Criminal investigation; show cause; administrative fine; fine for late report; criminal prosecution; terminate service.	PC, LS, WWTS, D, M, Board
OTHER PERMIT VIOLATIONS			
1. Wastestreams are diluted in lieu of pretreatment	Initial or isolated violation.	NOV; compliance meeting; consent order with or without penalties; administrative fine.	PC, LS, WWTS, D, M
	Repeated or chronic violation continuing in disregard of enforcement for initial or isolated violation.	NOV and any of the following: show cause; administrative fine; consent order with or without penalties; terminate service.	PC, LS, WWTS, D, M, Board
2. Failure to mitigate noncompliance or observe suspension	No known harm to POTW or environment.	NOV; compliance meeting; show cause; administrative fine; consent order with or without penalties.	PC, LS, WWTS, D, M
	Isolated or recurring resulting in damage to POTW or environment.	Show cause; administrative fine; consent order with or without penalties; civil action to recover losses or criminal prosecution seeking penalties; terminate service.	PC, LS, WWTS, D, M, Board

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NONCOMPLIANCE	NATURE OF THE VIOLATION	RANGE OF ENFORCEMENT RESPONSES	PERSONNEL
VIOLATIONS DETECTED DURING INDUSTRIAL INSPECTIONS AND INVESTIGATIONS			
1. Entry or access denial	Entry or access denied or copies of records denied.	Obtain search warrant and proceed with inspection or investigation.	PC, LS, WWTS, D, M
2. Inadequate recordkeeping	Incomplete or missing files (no evidence of intent).	NOV; informal letter/email; formal letter.	PC, LS, WWTS, D
	Recurring, chronic.	Compliance meeting; show cause; administrative fine; consent order with or without penalties.	PC, LS, WWTS, D, M
3. Failure to report additional monitoring	Inspection or investigation yields additional analyses required to be reported.	NOV; informal letter/email; formal letter.	PC, LS, WWTS, D
	Recurring, chronic.	Compliance meeting; show cause; administrative fine; consent order with or without penalties.	PC, LS, WWTS, D, M

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Time Frames for Responses

- A. Violations will be identified, documented, and initial enforcement response initiated within 30 calendar days of documentation.
- B. Violations which endanger or appear to cause endangerment to the health or welfare of persons; or which interferes or threatens to interfere with the operation of the POTW; or which presents or may present an endangerment to the environment, will receive immediate enforcement response of order to suspend discharge or terminate service.
- C. Significant Noncompliance will be addressed with an enforceable order within 60 days of identification and documentation of Significant 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.

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APPENDIX M

Slug Control Evaluation Form



**Pretreatment Industrial
Slug Control Evaluation**

Form delivered on __/__/__ by _____ (CWL Inspector)

Section I. Facility Information.

Facility name: _____
Facility address: _____

SDPC Plan/ Emergency Contact: _____
Title: _____
Work phone: _____

If extra space is required, attach separate page(s) and indicate item number for each response.

1. Does your facility have a Spill Control or Slug Control Plan? ()Yes ()No
If yes, attach a copy, complete the information not found in the attached spill plan.

2. Process workdays: ()S ()M ()T() W() T() F() S()
Shift information:
Shifts/ workday: 1() 2() 3()
Number of employees/ Shift: 1)___ 2)___ 3)___
Shift start time: 1)___ 2)___ 3)___
Shift end time: 1)___ 2)___ 3)___

If shift information varies between workdays, please indicate below:

•

3. Give a brief description of all operations at this facility:

•

4. Is the IU subject to National Categorical Standards? (If yes, which standards?)

•

5. Wastewater Discharge Characterization.

- Include a process description, continuous or batch discharge, frequency, and the constituents of each wastestream:

Return to: Jody W. Gibson, CWL Pretreatment Specialist
400 E Monroe St.
Jonesboro, AR. 72401
870-930-3389
FAX # 870-931-9846

6. Check all security provisions and warning signs used at this facility.
Lighting Locked entrances to facility
Fencing Locks on drain valves and pumps used for chemical storage tanks
Security personnel Television monitoring
Guard house Visitor passes

7. Describe procedures to be followed in response to a spill at the facility and for modifying the Slug Control Plan when necessary (attach any forms used):
•

8. Describe any spill prevention and response training given to employees:
•

9. What raw materials and chemicals are stored at this facility
•

10. Are there any drains in proximity to storage areas?
•

11. Describe the adequacy of containment structures adjacent to storage and transportation areas:
•

12. Attach a copy of the floor plan to this document.
•

Notes:

- The floor plan must show the location and flows of all wastestreams.
 - New plan is required if major changes have occurred.

Wastewater Characteristics

By review of Material Data Safety Sheets and inventory of chemicals at your facility indicate by checking below those that are present and those that are not present at your facility.

Yes	No		Yes	No		Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Gasoline	<input type="checkbox"/>	<input type="checkbox"/>	Whole Blood	<input type="checkbox"/>	<input type="checkbox"/>	Residue from Pretreatment of Industrial Wastes
<input type="checkbox"/>	<input type="checkbox"/>	Xylene	<input type="checkbox"/>	<input type="checkbox"/>	Hair, Fleshing or Entrails			
<input type="checkbox"/>	<input type="checkbox"/>	Tolulene	<input type="checkbox"/>	<input type="checkbox"/>	Paper Products			
<input type="checkbox"/>	<input type="checkbox"/>	Diesel	<input type="checkbox"/>	<input type="checkbox"/>	Styrofoam/cups	<input type="checkbox"/>	<input type="checkbox"/>	Sludges
<input type="checkbox"/>	<input type="checkbox"/>	Benzene	<input type="checkbox"/>	<input type="checkbox"/>	Biological Oxygen Demanding	<input type="checkbox"/>	<input type="checkbox"/>	Screenings
<input type="checkbox"/>	<input type="checkbox"/>	Naphtha	<input type="checkbox"/>	<input type="checkbox"/>	Chemical oxygen Demanding	<input type="checkbox"/>	<input type="checkbox"/>	Storm Water
<input type="checkbox"/>	<input type="checkbox"/>	Kerosene	<input type="checkbox"/>	<input type="checkbox"/>	Temperature > 130° F	<input type="checkbox"/>	<input type="checkbox"/>	Surface Water
<input type="checkbox"/>	<input type="checkbox"/>	Ethers	<input type="checkbox"/>	<input type="checkbox"/>	Petroleum Oil	<input type="checkbox"/>	<input type="checkbox"/>	Ground Water
<input type="checkbox"/>	<input type="checkbox"/>	Alcohols	<input type="checkbox"/>	<input type="checkbox"/>	Non-Biodegradable Cutting Oils	<input type="checkbox"/>	<input type="checkbox"/>	Roof Runoff
<input type="checkbox"/>	<input type="checkbox"/>	Fuel Oils	<input type="checkbox"/>	<input type="checkbox"/>	Mineral Oils	<input type="checkbox"/>	<input type="checkbox"/>	Subsurface Drainage
<input type="checkbox"/>	<input type="checkbox"/>	Swimming Pool Drainage	<input type="checkbox"/>	<input type="checkbox"/>	Toxic/poisonous Solids	<input type="checkbox"/>	<input type="checkbox"/>	Non-Contact Cooling Water
<input type="checkbox"/>	<input type="checkbox"/>	Aldehydes	<input type="checkbox"/>	<input type="checkbox"/>	Toxic/poisonous Gases	<input type="checkbox"/>	<input type="checkbox"/>	De-Ionized Water
<input type="checkbox"/>	<input type="checkbox"/>	Peroxides	<input type="checkbox"/>	<input type="checkbox"/>	Toxic/poisonous Liquids	<input type="checkbox"/>	<input type="checkbox"/>	Condensate
<input type="checkbox"/>	<input type="checkbox"/>	Chlorates	<input type="checkbox"/>	<input type="checkbox"/>	Noxious or Malodorous	<input type="checkbox"/>	<input type="checkbox"/>	Artesian Well Water
<input type="checkbox"/>	<input type="checkbox"/>	Perchlorates	<input type="checkbox"/>	<input type="checkbox"/>	Dye Wastes	<input type="checkbox"/>	<input type="checkbox"/>	Unpolluted Water
<input type="checkbox"/>	<input type="checkbox"/>	Bromates	<input type="checkbox"/>	<input type="checkbox"/>	Vegetable Tanning	<input type="checkbox"/>	<input type="checkbox"/>	Cooking Oils
<input type="checkbox"/>	<input type="checkbox"/>	Carbides	<input type="checkbox"/>	<input type="checkbox"/>	Radioactive Wastes	<input type="checkbox"/>	<input type="checkbox"/>	Explosive
<input type="checkbox"/>	<input type="checkbox"/>	Hydrides	<input type="checkbox"/>	<input type="checkbox"/>	Hauled or Trucked Liquid Waste	<input type="checkbox"/>	<input type="checkbox"/>	Flammable
<input type="checkbox"/>	<input type="checkbox"/>	Sulfides	<input type="checkbox"/>	<input type="checkbox"/>	Inert Suspended Solids	<input type="checkbox"/>	<input type="checkbox"/>	Combustible
<input type="checkbox"/>	<input type="checkbox"/>	Closed Cup Flash Point < 140° F	<input type="checkbox"/>	<input type="checkbox"/>	Fuller Earth	<input type="checkbox"/>	<input type="checkbox"/>	Corrosive Characteristics
<input type="checkbox"/>	<input type="checkbox"/>	pH < 5.0 s.u.	<input type="checkbox"/>	<input type="checkbox"/>	Lime Slurries	<input type="checkbox"/>	<input type="checkbox"/>	Detergents
<input type="checkbox"/>	<input type="checkbox"/>	pH > 12.0 s.u.	<input type="checkbox"/>	<input type="checkbox"/>	Lime Residues	<input type="checkbox"/>	<input type="checkbox"/>	Surfactants
<input type="checkbox"/>	<input type="checkbox"/>	Ashes	<input type="checkbox"/>	<input type="checkbox"/>	Sodium Chloride	<input type="checkbox"/>	<input type="checkbox"/>	Ketones
<input type="checkbox"/>	<input type="checkbox"/>	Cinders	<input type="checkbox"/>	<input type="checkbox"/>	Sodium Sulfate	<input type="checkbox"/>	<input type="checkbox"/>	Ground Garbage
<input type="checkbox"/>	<input type="checkbox"/>	Sand	<input type="checkbox"/>	<input type="checkbox"/>				Un-Ground Garbage
<input type="checkbox"/>	<input type="checkbox"/>	Plastic	<input type="checkbox"/>	<input type="checkbox"/>				Wood/shavings

Additional comments concerning wastewater characteristics may be made on the back of this form.

The Code of Federal Regulations (40CFR403.12 Reporting Requirements for POTW's and Industrial Users) requires facilities with processes applicable to pretreatment standards promulgated by the EPA and listed in the Code of Federal Regulations to report to the Control Authority those operations to which a pretreatment standard may apply. Indicate below whether or not your processes are applicable to Federal Pretreatment Standards.

No, there are no processes applicable to Federal Pretreatment Standards

Yes, processes are applicable to the following Pretreatment Standards: _____

Certification Statement

40 CFR 403.12 requires that this report be signed by a Chief Executive Officer of at least the level of Vice President, a general Partner or Proprietor, or a Duly-Authorized Representative.

"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 or imprisonment for knowing violations".

Signed: _____ Date: _____

Printed Name and Title: _____

APPENDIX N

**2012 CWL Wastewater Rate Schedule and
Schedule of CWL Lab Charges**

**CITY WATER AND LIGHT
JONESBORO, ARKANSAS**

WASTEWATER RATE SCHEDULE SCHEDULE "S"

Availability: All residential, commercial, industrial or other units located within the service area of City Water and Light Plant of the City of Jonesboro.

Sewer Charge: Monthly charge determined by quantity of water metered and billed for the current month, as follows:

EFFECTIVE: FEBRUARY 1, 2012

First	1,000 gallons	\$3.93 minimum
Next	13,000 gallons	1.74 per 1,000
Over	14,000 gallons	1.13 per 1,000

Special Conditions: 1) Residential Units, metered separately, and within the corporate limits of Jonesboro, will be billed up to a maximum of 14,000 gallons.

2) Units not on CWL water system will be billed on an estimate of discharge to the sewer system.

3) If a user of sanitary sewer service uses a substantial quantity of water for other than sanitary purposes and disposes of such water outside of the sanitary sewers, adjustment may be made at CWL's discretion, to the end that the wastewater charge is calculated on only that portion of water which is disposed of into the sanitary sewer.

4) Industrial waste surcharge is based on applicable ordinances.

CPI Adjustments: Rates will be adjusted in February of each year.

Payment: Bills are rendered monthly and are due and payable on receipt of bill.

Schedule of CWL Laboratory Charges

Annual Industrial Pretreatment Permit Fee = \$716.69 (\$59.72 per month)

Excessive Strength Surcharge Formula:

$S = (V_{ww}) (8.34) [C_{BOD_5} (BOD_5-250) + C_{TSS} (TSS-250) + C_{FOG} (FOG-100)]$

Where: S = Surcharge in dollars
V_{ww} = Volume of wastewater in millions of gallons
8.34 = Weight in pounds of one gallon of water
C_{BOD₅} = Charge per pound of BOD₅ = \$0.097, effective February 2012
C_{TSS} = Charge per pound of TSS = \$0.097, effective February 2012
C_{FOG} = Charge per pound of FOG = \$0.287, effective February 2012
BOD₅ = Biochemical Oxygen Demand in mg/L of the Industrial User's wastewater
TSS = Total Suspended Solids in mg/L of the Industrial User's wastewater
FOG = Fats, Oils, and Grease in mg/L of the Industrial User's wastewater
250 = Concentration in mg/L above which both BOD₅ and TSS are defined as "excessive" and a surcharge may be assessed
100 = Concentration in mg/L above which FOG is defined as "excessive" and a surcharge may be assessed

Excessive Strength Capacity Charge Formula:

$CAP = (V_{ww}) (8.34) [((\text{Greater of } BOD_5 \text{ or } TSS) - 250) C_{CAP}]$

Where: CAP = Capacity Charge in dollars
V_{ww} = Volume of wastewater in millions of gallons
8.34 = Weight in pounds of one gallon of water
C_{CAP} = Charge per pound for Greater of BOD₅ or TSS = \$0.134, effective February 2012
BOD₅ = Biochemical Oxygen Demand in mg/L of the Industrial User's wastewater
TSS = Total Suspended Solids in mg/L of the Industrial User's wastewater
250 = Concentration in mg/L above which both BOD₅ and TSS are defined as "excessive" and a capacity charge may be assessed

CWL Laboratory Sampling and Analysis Fees:

Biochemical Oxygen Demand (BOD ₅)	\$	25.23
Chemical Oxygen Demand (COD)	\$	25.23
Fats, Oils, and Grease (FOG)	\$	30.96
pH	\$	8.03
Total Suspended Solids (TSS)	\$	11.47
Metals (Flame atomic absorption/per metal)	\$	11.47
Metal digestion (per sample)	\$	11.47
Ammonia Nitrogen	\$	19.49
Sample/Flowmeter Rental (per day)	\$	61.92
Grab Sample Collection (per day)	\$	17.20
Cyanide	\$	Set by contract lab
Contract Laboratory	\$	Set by approved lab (per analyte)

Charges are subject to revision. At a minimum, permit fees, excessive strength surcharges, excessive strength capacity charges and laboratory charges will be annually adjusted consistent with the Consumer Price Index.

If another laboratory is used, it must be an approved certified laboratory by the Arkansas Department of Environmental Quality (ADEQ). CWL will collect and split samples for analysis if requested by the User and approved by CWL. Sample collection fees will apply to samples analyzed by an approved contract laboratory.

Your facility will be billed from CWL for the contract laboratory samples as a miscellaneous fee.

Sampling and analysis performed in compliance with 40 CFR 136, as amended, and as set forth in Sections 70-91 (10) and (11) of the Pretreatment Ordinance.

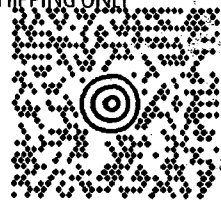
APPENDIX O

Technically Based Local Limits

CWL will develop technically based local limits from time to time as necessary.

FROM: 8 LBS
JESSICA KEAHEY, P.E.
(479) 443-3404
MCGOODWIN, WILLIAMS AND YATES,
302 E. MILLSAP RD
FAYETTEVILLE AR 72703

1 OF 1  FOR UPS SHIPPING ONLY



AR 722 9-21



SHIP TO:
MR. RUFUS TORRENCE
(501) 682-0631
ARKANSAS DEPT. OF ENVIRON. QUALITY
5301 NORTSHORE DRIVE
N LITTLE ROCK AR 72118-5317

UPS GROUND

TRACKING #: 1Z 573 362 03 7622 3768



REF 1:MWY Project No. Jb-83R
REF 2:ags

BILLING: P/P

WS 15.0.16 HP LaserJet 139.0A 6/4/2013

P: BOX3
S: 3BB
SHOR - 2459
NORTHSHORE DR
N LITTLE ROCK AR 72118-5317
L: 521
US 7222
M: 1118
N: 2121
S: 2788
ZAGZB362037622
2610R
4024R32
2318104 0018 210