ADEQ

A R K A N S A S
Department of Environmental Quality

May 10, 2011

Myra Taylor, Lab/Pretreatment Supervisor
Jonesboro City Water & Light
P. O. Box 1289
Jonesboro, Arkansas 72403-1289

Re: City of Jonesboro (AFIN: 16-00152 NPDES & Tracking #AR0037907 & NPDES #AR0043401)
Pretreatment Program Audit & Municipal Pollution Prevention (P2) Assessment

Dear Ms. Taylor:

Please find enclosed the finished report for the audit/assessment conducted by me from March 23 through 25, 2011. The report should be made available for review to appropriate industrial officials. Jonesboro CW&L staff should discuss and evaluate the findings in this report. Please respond to required actions and recommendations in writing within thirty (30) working days from the date on this correspondence.

The Department appreciates the staff's assistance. The staff appeared very interested in both the Pretreatment and Pollution Prevention Programs. Most of the recommendations in the attached audit/assessment are intended to aide CW&L pretreatment program with achieving the objectives of the Clean Water Act.

If the City has questions or concerns, please do not hesitate to contact the Department at (501) 682-0626 or torrence@adeq.state.ar.us .

Sincerely,

Rufus J. Torrence, Water Division Engineer

Encl: Audit/Assessment Checklist

Cc: Rudy Molinda / EPA 6WQ-PM (via e-mail w/o attmt)
Eric Flemings / ADEQ Technical Assistant Mgr-Field Services (w/o attmt)
Cindy Garner / ADEQ Technical Assistant Mgr-Enforcement (w/o attmt)

PRETREATMENT PROGRAM AUDIT

POLLUTION PREVENTION ASSESSMENT FOR

THE CITY OF JONESBORO, ARKANSAS

NPDES PERMIT #AROO43401

AFIN 16-00152

May 10, 2011

PREPARED BY: Rufus Torrence

ADEQ Water Division Engineer and Auditor

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

5301 Northshore Drive

NORTH LITTLE ROCK, ARKANSAS 72118-5317

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A) INTRODUCTION

Under ADEQ's responsibility to fulfill its obligations for the administration and enforcement of the NPDES Program, audits of Pretreatment Programs within the state will be part of its coordination and compliance monitoring strategy.

With Pollution Prevention (P2) being integrated into Pretreatment Programs assessments of cities', P2 projects and programs will be made in conjunction with the audits.

The auditor performed an audit/assessment from March 23 to March 25, 2011 on the Pretreatment Program implemented by City Water and Light (CWL) for the city of Jonesboro, Arkansas. Participants included:

Rufus Torrence	ADEQ / Water Division Engineer & Auditor Email: torrence@adeq.state.ar.us Phone: (501) 682-0626
Myra Taylor	CWL / Lab & Pretreatment Supervisor Email: mtaylor@jonesborocwl.org Phone: (870) 930-3389
Jody Gibson	CWL / Pretreatment Specialist Email: jgibson@jonesborocwl.org Phone: (870) 930-3389
Adam Saulsbury	CWL / Pretreatment Coordinator Email: asaulsbury@jonesborocwl.org Phone: (870) 935-5581
Susan Meredith	CWL / Water & Wastewater Superintendent Email: smeredith@jonesborocwl.org Phone: (870) 930-3387
Jake Rice	CWL / General Operations Director Email: jrice@jonesborocwl.org Phone: (870) 935-5581

The goals of the audit/assessment were:

* To determine the implementation and compliance status of the City of Jonesboro's Pretreatment Program with the requirements of the General Pretreatment Regulations located in 40 Code of Federal Regulations (CFR) Part 403

* To determine the effectiveness of the City's Pretreatment and P2 Programs in eliminating and/or reducing the introduction of potentially toxic pollutants from industrial discharges

* To provide assistance and recommendations to the City that might allow for more effective implementation of program requirements

* To assess the level of additional Pollution Prevention activities implemented within the City's day-to-day Pretreatment procedures and make recommendations thereof

****

City Water and Light (CWL) Plant of Jonesboro is a Municipal Improvement District which owns and operates the utilities in the City of Jonesboro. CWL has the legal authority to implement and enforce the Pretreatment Program for the City. The term City will also mean CWL in this report.

Jonesboro's Pretreatment Program was originally approved on 11/1/83. Subsequent modifications with approval dates are as follows: development and adoption of technically based local limits - 5/15/90; change of Cu and Zn mass local limits to concentration by resolution - 12/2/93. The most recent modification submittal, approved and incorporated into their NPDES permits on 5/11/99 included incorporation of an enforcement response plan, revisions to the pretreatment ordinance, program narrative changes and a re-evaluation of the MAHLs (maximum allowable headworks loadings). As per their NPDES permit requirements CWL submitted on October 31, 2007 a certification statement (MWY Project #JB-83) that a technical evaluation has demonstrated that the existing technically based local limit calculations (TBLL / MAHLs) are based on current state water quality standards and [present industrial user control limits – categorical/federally regulated] are adequate to prevent pass through of pollutants and interference with the treatment facility; hence, local limits to prevent pass through and interference are not necessary at this time (Sect 9.8 MWY Project #JB-83). However, the City intends to revise the MWY program narrative to reserve the right to develop TBLL/MAHLs from time to time and to allocate the allowable loadings.

The City operates two WWTPs. The East WWTP has a design flow of 9.0 MGD (million gallons per day) with activated sludge, extended aeration with breakpoint chlorination and de-chlorination of wastewater. The East WWTP discharges the wastewater to Whiteman's Creek. The East WWTP discharges an average flow of 7.3 MGD and the effluent has not demonstrated any lethality or sub-lethality to the c. dubia. The East POTW receives approximately 1.62 MGD (~22.3%) from16 significant industrial users (7 are categorical) and 33 nonsignificant industrial users (car washes). CWL land applies approximately 1180 dry metric tons of sludge per year from the East POTW. The West POTW with a design flow of 3 MGD consists of primary sedimentation, first and second stage trickling filters, secondary clarification, chlorination, de-chlorination and post-aeration. The West POTW average flow of 1.77 MGD is discharged to Big Creek. The flow exhibited no sublethal or lethal effects on the c. dubia. About 0.34 MGD (19.1%) of the West POTW average flow is from 1 SIU (Riceland). CWL land applies about 617 dry metric tons of sludge per year from the West POTW.

The audit/assessment consisted of informal discussions with the CWL's Pretreatment personnel, plant tours, examination of industrial user files, pretreatment records and site visits to five (5) of their industrial users. The auditor utilized a checklist to ensure that all facets of the program were evaluated. A copy of the completed checklist is attached. Additional information obtained during the audit is included as Attachments.

On March 25, 2011 the auditor conducted an exit interview to discuss key findings. Attendees included key pretreatment personnel (Myra, Adam, Susan, Jody and Jake)

The report is divided into three sections. Section B provides a summary of the significant findings of the audit which will require action by CWL. Section C includes recommendations to help improve the implementation and enforcement of their Pretreatment and Pollution Prevention Programs. Finally, required program modifications to the City's approved program, including its adopted legal authorities, are outlined in Section D.

B) SUMMARY OF FINDINGS WITH REQUIRED ACTIONS

This section of the report is a summary of deficiencies found in the City of Jonesboro's Pretreatment Program. Actions required by the City to comply with the current General Pretreatment Regulations (40 CFR 403) and with the approved program, will be paraphrased citations of the same. A narrative explanation of the finding will follow.

1) Under ***40 CFR 403.4*** The City cannot have any local regulations (ordinance/code) that are "*less stringent than any set forth in National Pretreatment Standards, or any other requirements or prohibitions established under the Act...*".

On October 14, 2005 EPA promulgated revisions to 40 CFR 403. These revisions are commonly referred to as the "Streamlining" revisions. Each POTW with an approved pretreatment program must review the local legal authority to ensure that local ordinances/codes are not less stringent than the Streamlining revisions. For national consistency, the Department decided to wait for EPA to develop guidance before reviewing ordinances and approving modifications to Arkansas approved pretreatment programs. In January 2007 EPA published a "Model Pretreatment Ordinance" with the recent Streamlining Revisions.

The City's last revision to the legal authority was incorporated into NPDES permit #AR0037907 on May 11, 1999. In reference to Part III in the City's NPDES permit #AR0043401 (effective December 1, 2006), find in section 7.a, "*The Sewer Use Ordinance and the Pretreatment Program have not been modified to come into compliance with the current 40 CFR 403 regulations* [Streamlining Revisions]. *The permittee shall submit all necessary proposed modifications to ADEQ within twelve (12) months of the effective date of this permit.*" On the behalf of the City, McGoodwin Williams and Yates (Jessica Keahey) submitted a letter dated November 29, 2007 with a proposed Streamlining program modification (MWY Project No. JB-83). The MWY document included a draft ordinance in Appendix F. The Department reviewed the draft ordinance. In a letter dated March 13, 2009, the Department sent the City a checklist and a proposed draft ordinance. In a letter dated September 16, 2010, the City submitted a second draft ordinance. The Department has reviewed the second draft ordinance. In an email dated February 14, 2011, the Department sent the City a second proposed draft ordinance for review and discussion during the audit checklist interview on March 23, 2011. The final proposed draft ordinance for adoption is shown in Attachment I. In reference to Section D below, the City must review this proposed ordinance and adopt it as soon as possible.

C) RECOMMENDED POTW ACTIONS FOR IMPROVED IMPLEMENTATION OF THE PRETREATMENT AND POLLUTION PREVENTION PROGRAMS

1) It's recommended to require periodic P2 audits (once per permit cycle?) to be conducted at the City's largest pollutant load contributors. Results from those audits may turn up P2 activities and/or procedures previously unknown to the IU (Ref: Allen Gilliam Report dated August 12, 2003)

2) The City should resend a copy of the reporting requirements located in 40 CFR 403.12(p) & (j) to all hazardous waste generators shown on the ADEQ website at:

http://www.adeq.state.ar.us/hazwaste/rcra2/facil_sum.asp#Display

(Instructions: Enter "Jonesboro" in the box next to the title "Location City" and click "Search" to see the list.)

At least every permit cycle, the City should resend this information to update the industrial users on these requirements.

3) As part of the annual inspection the City should verify that all essential metal finisher personnel are familiar with their Toxic Organic Management Plan (TOMP) and that the TOMP is current.

D) REQUIRED PROGRAM MODIFICATIONS TO THE APPROVED PRETREATMENT PROGRAM NECESSARY TO BRING THE PROGRAM INTO COMPLIANCE WITH THE LETTER OR INTENT OF THE CURRENT REGULATORY REQUIREMENTS

1) Comply with most the most recent changes to 40 CFR 403 (commonly referred to as the "Streamlining Rule Changes" promulgated on October 14, 2005). The City must adopt the new pretreatment ordinance shown in Attachment I as soon as possible.

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CWL should consider the required actions and recommendations contained in this audit/assessment before finalizing any pretreatment program modifications. Any intended substantial program/ordinance changes made, whether in response to the recommendations or otherwise, should be submitted to ADEQ for review and approval.

PRETREATMENT AUDIT CHECKLIST
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

SECTION I: GENERAL INFORMATION

A. GENERAL INFORMATION

Control Authority Name: *City Water and Light* NPDES #: *AR0043401*
Mailing address: *400 East Monroe, P.O. Box 1289, 72403-1289*

Permit Signatory: *Ronald Bowen* Title: *CWL Manager*

Telephone: *870.935.5581* FAX NUMBER: *870.930.3301*

Pretreatment Contact: *Adam Saulsbury* Title: *Pretreatment Coordinator*
Address: *same*
Telephone: *870.935.5581*
e-mail: cwllab@jonesborocwl.org

Pretreatment program approval date: *11/1/83*

Dates of approval of any substantial modifications: *5/15/90, 12/2/93 & 5/11/99*

Month Annual Pretreatment Report Due: *December*

Pretreatment Year Dates: *Oct 1 - Sept 30* Date(s) of Audit: *3/23-25/2010* (ASSESSMENT)

Inspector(s):

NAME	TITLE/AFFILIATION	PHONE NUMBER
Rufus Torrence	*Engineer / ADEQ*	*501.682.0626*

Control Authority representative(s):

NAME	TITLE	PHONE NUMBER
**Adam Saulsbury*	*Pretreatment Coordinator*	*870.935.5581*
Myra Taylor	*Laboratory Supervisor*	*870.930.3389*
Susan Meredith	*Water & Wastewater Treatment Supt.*	*870.930.3387*
Jody Gibson	*Pretreatment Specialist*	*870.930.3389*

* Identifies Program Contact

Dates of Previous PCIs/Audits:

TYPE	DATE	DEFICIENCIES NOTED
Audit	*Mar 2008*	*Problem permitting SIUs*

YES	NO	
___	✓	Is the Control Authority currently operating under any pretreatment related consent decree, Administrative Order, compliance or enforcement action? If yes, describe the required corrective action: _____
___	✓	Is the Control Authority currently in SNC or RNC?

. . . . . .

The remainder of this page has been left blank, but provides a place to enter a narrative description of any information that may not fit appropriately into the questions that are asked. Mark questions or input areas with a asterisk or footnote that tells that there is more explanatory information and where it can be found.

B. TREATMENT PLANT INFORMATION

1. THIS PRETREATMENT PROGRAM COVERS THE FOLLOWING NPDES PERMITS/TREATMENT PLANTS:

NPDES Permit No.	Name of Treatment Plant	Effective Date	Expiration Date
*AR0043401	East	12-01-2006	11-30-2011
AR0037907	West	02-01-2005	01-31-2010

* Indicates the permit number/treatment plant under which the Pretreatment Program is tracked.

2. Individual Treatment Plant Information

a. Name of Treatment Plant: *East*
Location Address: *5205 Ingles Rd., Jonesboro 72401*

Expiration Date of NPDES Permit: *11-30-2011*

Treatment Plant Wastewater Flow: Design- *9.0* MGD; Actual (Average)- *7.3* MGD

Sewer System: *100* % Separate; *N/A* % Combined, # of CSOs *N/A*

Industrial Contribution to this Treatment Plant

# of SIUs : *15* # of CIUs : *7*
Industrial Flow (mgd): *1.63* Industrial Flow (%) : *22.3* %

Level of Treatment		Type of Process(es):
Primary		
Secondary	✓	*Extended Aeration/Activated Sludge*
Tertiary		

Method of Disinfection: *Breakpoint Chlorination*

Dechlorination ✓ YES ____ NO

Effluent Discharge

Receiving Stream Name: *Whiteman's Creek*

Receiving Stream Classification: *Segment 5A in St. Francis River Basin**
*Ref: 2002 Integrated Water Quality Monitoring and Assessment Report (page A-281)
Receiving Stream Use: *secondary contact/fishable/swimmable*

If effluent is disposed of to any location other than the receiving stream, please note: *N/A*

Method of Sludge Disposal:		Quantity of Sludge:
✓	Land Application	1180 dry metric tons/yr.
	Incineration	dry tons/yr.
	Monofill	dry tons/yr.
	Mun. Solid Waste Landfill	dry tons/yr.
	Public Distribution	dry tons/yr.
	Lagoon Storage	dry tons/yr.
	Other (specify)	dry tons/yr.

List of toxic pollutant limits in NPDES permit: *conventionals & TRC*

a. (continuation of individual treatment plant information for East Treatment Plant.)

YES NO

✓ ___ Does the Control Authority hold a sludge permit or has the NPDES permit been modified to include sludge use and disposal requirements? If yes, specify the following:

Issuing Authority: *same*
Issuance Date: "
Expiration Date: "

List pollutants that are specified in current sludge permit:
reference to CFR 503

YES NO N/A

✓ ___ ___ Has the Control Authority submitted results of whole effluent biological toxicity testing.

___ ✓ ___ Has there been a pattern of toxicity demonstrated by effluent toxicity testing? If yes, explain what has been or is being done about it. (eg. Is there an ongoing TRE?) *No lethal or sub-lethal effects during the past five years*

How many times were the following monitored during the past pretreatment year?

	Influent	Effluent	Sludge	Ambient
Metals *	4	4	4	
Priority **	1	1	1	
Biomonitoring		4		
TCLP			1	
Other:				

* As identified at 40 CFR 122, Appendix D, Table III, ** As identified at 40 CFR 122, Appendix D, Table II (exception: for sludge, volatiles only)

Summarize any trends over the last five years regarding pollutant (influent, effluent and sludge) loadings. Have they increased, decreased, or stayed the same. Evaluate for each parameter measured.
The only trend is that there has not been any significant changes in headworks concentrations and effluent concentrations over the years; the headworks concentration for each pollutant remains close to domestic concentrations.

YES NO N/A

✓ ___ ___ Has the POTW begun tracking the trends in the above samples?

___ ✓ ___ Has the POTW violated it's NPDES Permit either for effluent limits or sludge over the last 12 months?

If yes, List the NPDES effluent and sludge limits violated and the suspected cause(s)

Parameters Violated	Cause(s)

YES NO

___ ✓ Has the treatment plant sludge violated the TCLP Test?

2. Individual Treatment Plant Information

a. Name of Treatment Plant: *West*
Location Address: 1605 Willett Road, *Jonesboro 72401*

Expiration Date of NPDES Permit: *January 31, 2010*

Treatment Plant Wastewater Flow: Design- *3.0* MGD; Actual (Average)- *1.774* MGD

Sewer System: *100* % Separate; *0* % Combined, # of CSOs *0*

Industrial Contribution to this Treatment Plant

# of SIUs : *1 (Riceland)* # of CIUs : *0*
Industrial Flow (mgd): *0.339* Industrial Flow (%) : *19.13* %

Level of Treatment		Type of Process(es):
Primary	✓	*2 stage trickling filter, primary &*
Secondary	✓	*secondary clarify; floc clarify*
Tertiary		

Method of Disinfection: *chlorine contact*

Dechlorination ✓ YES ____ NO

Effluent Discharge

Receiving Stream Name: *Big Creek then to DeView Bayou*

Receiving Stream Classification: *Segment 4B of the White River Basin*

Receiving Stream Use: *Secondary Contact*

If effluent is disposed of to any location other than the receiving stream, please note: *N/A*

Method of Sludge Disposal:		Quantity of Sludge:
✓	Land Application	617 metric dry tons/yr.
	Incineration	dry tons/yr.
	Monofill	dry tons/yr.
	Mun. Solid Waste Landfill	dry tons/yr.
	Public Distribution	dry tons/yr.
	Lagoon Storage	dry tons/yr.
	Other (specify)	dry tons/yr.

List of toxic pollutant limits in NPDES permit: *Conventionals & TRC Only*

a.) (continuation of individual treatment plant information for West Treatment Plant.)

YES NO

✓ ___ Does the Control Authority hold a sludge permit or has the NPDES permit been modified to include sludge use and disposal requirements? If yes, specify the following:

Issuing Authority: *same*
Issuance Date: "
Expiration Date: "

List pollutants that are specified in current sludge permit:
Reference to CFR 503

YES NO N/A

✓ ___ ___ Has the Control Authority submitted results of whole effluent biological toxicity testing.

___ ✓ ___ Has there been a pattern of toxicity demonstrated by effluent toxicity testing? If yes, explain what has been or is being done about it. (eg. Is there an ongoing TRE?) *No lethal or sub-lethal effects in the past five years.*

How many times were the following monitored during the past pretreatment year?

	Influent	Effluent	Sludge	Ambient
Metals *	4	4	4	
Priority **	1	1	1	
Biomonitoring		4		
TCLP			1	
Other:				

* As identified at 40 CFR 122, Appendix D, Table III, ** As identified at 40 CFR 122, Appendix D, Table II

Summarize any trends over the last five years regarding pollutant (influent, effluent and sludge) loadings. Have they increased, decreased, or stayed the same. Evaluate for each parameter measured.
Stayed the same

YES NO N/A

✓ ___ ___ Has the POTW begun tracking the trends in the above samples?

✓ ___ ___ Has the POTW violated it's NPDES Permit either for effluent limits or sludge over the last 12 months?

If yes, List the NPDES effluent and sludge limits violated and the suspected cause(s)

Parameters Violated	Cause(s)
FCB	Excessive-Stormwater flow

YES NO

___ ✓ Has the treatment plant sludge violated the TCLP Test?

SECTION II: PROGRAM ANALYSIS AND PROFILE

C. Control Authority Pretreatment Program Modification [403.18]

YES	NO	
✓	___	Has public comment been solicited during revisions to the Sewer use ordinance and/or local limits since the last program modification? [403.5(c)(3)]
✓	___	Have any substantial modifications been made or requested to any pretreatment program components since the last audit? If yes, identify below. *The CA is currently drafting a new ordinance for adoption*

1. Modifications:

Date Approved by ADEQ	Ordinance Citation/ Nature of Modification	Date Incorporated in NPDES Permits
5/11/99	*Ord. # 3126 adopted 5/3/99*	*5/11/99*

2. Modifications in Progress:

Date Requested	Nature of Modification
Nov 29, 2007	*Updating program to comply with recent 403 revisions*

YES	NO	
___	✓	Have any changes been made to any pretreatment program components (excluding any listed above)? If yes:
✓	___	Has the Control Authority notified the Approval Authority of all program changes? (e.g., Modified forms, procedures, legal authorities). If no, please copy and attach the modified form, etc.

D. Legal Authority [403.8(f)(1)]

Date of original Pretreatment Program approval: *11/1/83* [WENDB-PTIM]
Date of most recent Ordinance approved by the Control authority: *5/3/99*
Date of most recent Pretreatment Program modification approval: *5/11/99*

Does the Control Authority's legal authority enable it to: [403.8(f)(1)(i-vii)]

YES	NO	
✓	___	Deny or condition pollutant discharges
✓	___	Require compliance with standards
✓	___	Control discharges through permit or similar means
✓	___	Require compliance schedules and IU reports
✓	___	Carry out inspection and monitoring activities
✓	___	Obtain remedies for noncompliance
✓	___	Comply with confidentiality requirements
✓	___	Establish Pollution Prevention
✓	___	Has the city developed and adopted a Pollution Prevention policy?

YES	NO	
___	✓	Has the Control Authority experienced difficulty in implementing the sewer use ordinance? If yes, identify reason:

SECTION II: PROGRAM ANALYSIS AND PROFILE

_____ No oversight authority
_____ No inspection authority
_____ No remedies for noncompliance
_____ No "equivalent" standard
_____ No clear delineation of responsibility for program implementation
_____ Interjurisdictional agreements not entered into
_____ Other, Specify: _____

✓ ___ Are all industrial users located within the jurisdictional boundaries of the Control Authority? If no:

___N/A__ Has the Control Authority negotiated all legal agreements necessary to ensure that pretreatment standards will be enforced in contributing jurisdictions?

___N/A__ Have provisions been made for the incorporation of Pollution Prevention (P^2) policies by contributing jurisdictions?

List the name of contributing jurisdictions, if any, the number of CIUs, SIUs and type of multijurisdictional agreements in those jurisdictions:

Name of Jurisdiction	Number of CIUs	Number of Other SIUs	Type of Agreement
1. N/A			
2.			
3.			
4.			

If relying on activities of contributing jurisdictions, indicate which activities are performed by jurisdictions and describe any problems in their implementation.

		Problems
___	Updating industrial waste survey	N/A
___	Notification of IUs	
___	Permit issuance	
___	Receipt and review of IU reports	
___	Inspection and sampling of IUs	
___	Assessment of IUs for P^2 activity	
___	Analysis of samples	
___	Enforcement	
___	Other: _____	

Briefly describe other problems: N/A

___ _____

Identify any IUs that have caused problems of interference, upset, pass through, sludge contamination, problems in the collection system, or worker health and safety in the past 12 months:

IU Name	Problem	NPDES Permit Violation Yes	No
N/A		___	___
		___	___

SECTION II: PROGRAM ANALYSIS AND PROFILE

E. Industrial User Characterization [403.8(f)(2)(i)]

YES NO

✓ ___ Has the Control Authority (CA) updated its Industrial Waste Survey (IWS) to identify new Industrial Users (IUs) or changes in wastewater discharges at existing IUs? [403.8(f)(2)(i)] *Survey was part of the recently submitted program mod.*

___ ✓ If yes, while conducting the IWS, was each potential IU evaluated by the CA for the possibility of incorporating P^2 activity?

✓ ___ Does the Control Authority have written procedures to update its Industrial Waste Survey (IWS) to identify new Industrial Users (IUs) or changes in wastewater discharges at existing IUs? [403.8(f)(2)(i)]

If yes, do the written procedures include provisions for the assessment of potential new IUs to incorporate P^2 activity and the distribution of P^2

✓ ___ reference materials to the IUs which qualify?

What methods are used to update the IWS:

✓ Review of newspaper/phone book
✓ Review of plumbing/building permits
✓ Review of water billing records
✓ Permit reapplication requirements
✓ Onsite inspections
___ Citizen involvement
✓ Other (specify) *Local and AIDC manf directories*

How often is the survey to be updated? ongoing

Are there any problems that the Control Authority has in identifying and categorizing SIUs: *None apparent*

YES NO

___ ✓ Have any new SIUs been identified within the last 12 months? If yes:

Name of IU	Type of Industry	Is the IU Permitted?
N/A		

How many IUs are currently identified by the Control Authority in each of the following groups:

a. *16* SIUs (As defined by the Control Authority) [ICIS/RIDE-SIUS]
b. *7* Categorical Industrial Users (CIUs) [ICIS/RIDE-CIUS]
c. *9* Noncategorical SIUs
d. *33* Other regulated nonsignificant IUs (Describe) 33 Carwashes

49 TOTAL of a. + d.

YES NO

___ ✓ Has the POTW identified any IUs with Pollution Prevention opportunities?
___ ✓ Is the Control Authority's definition of "significant industrial user" the same as EPA's? [403.3(v)]

If not, the Control Authority has defined "significant industrial user" to

SECTION II: PROGRAM ANALYSIS AND PROFILE

mean: *The CA did not include paragraphs 403.3(v)(2) or (3) in its definition.*

F. Control Mechanism Evaluation [403.8(f)(1)(iii)]

YES	NO	
✓[1]	___	Has the Control Authority asked for Best Management Practices (BMPs) or Pollution Prevention assessments as part of the permit application?

Describe the Control Authority's approved control mechanism (e.g., permit, etc.): [1]*The CA had provided for BMPs in future permits as part of the proposed mod*

What is the maximum term of the control mechanism? *5 years*

0 How many SIUs are not covered by an existing, unexpired permit or other control mechanism? [ICIS/RIDE-SIUs w/o Control Mechanism] If there are any SIUs without current (unexpired) permits, please complete the information below:

IU NAME	PERMIT EXPIRATION DATE
(Not Applicable)	

YES	NO	
___	✓[2]	Does the Control Authority accept trucked septage wastes? [2]*Control Authority no longer accepts trucked septage at the West POTW*
___	✓	Does the Control Authority accept other trucked wastes?
___	✓	Does the Control Authority have a control mechanism for regulating trucked wastes? If yes, answer the following:

The Control has not issued control mechanisms for trucked wastes but has the equivalent procedures in place to control the waste.

YES	NO	
___	✓	Does Control Mechanism designate a discharge point? [403.5(b)(8)]
___	✓	Are all applicable categorical standards and local limits applied to trucked wastes ?

List all pollutants and applicable limits, other than local limits and categorical standards, that are applied to waste haulers:

Pollutant	Limit
N/A	

Describe the discharge point(s) (including security procedures):
N/A

SECTION II: PROGRAM ANALYSIS AND PROFILE

YES NO

___ ✓ Does the Control Authority accept Underground Storage Tank (UST) cleanup wastes?

___ ✓ Does the Control Authority have a control mechanism for regulating wastes from UST sites?

List all pollutants and applicable limits, other than local limits and categorical standards, that are applied to UST cleanup sites:

Pollutant	Limit
N/A	

G. Application of Pretreatment Standards and Requirements

YES NO

✓ ___ Has the POTW notified the IUs of their potential requirement to report hazardous wastes to EPA, the State, and the POTW?

Annually[1] Date Notified At inspections Method of Notification

[1]CA has already notified SIUs; CA is to notify all hazardous waste generator shown on ADEQ website.

How does the Control Authority keep abreast of current regulations to ensure proper implementation of standards?

✓ Federal Register ✓ Journals, Newsletters
✓ Meetings, Training ✓ Other internet
✓ Government Agencies ___ Other _____

YES NO

✓ ___ Is the Control Authority in the process of making any changes to its local limits or have limits changed since the last PCI, Audit or Annual Report? *The proposed limits were submitted in 2007 and have not changed since the last Audit. These limits are still under review by ADEQ.*

If yes, complete the information below: New MAHLs Only; see below.

Pollutant Changed	Old Limit MAHL		New Proposed Limit (MAHL #/day)[1]		Reason for Change
	West Plt	East Plt	West Plt	East Plt	
Arsenic	See below		0.58	1.16	NPDES Permit[4]
Cadmium	"		0.18	0.62	"
Chromium	"		14.70	12.90[2]	"
Copper	"		1.68	4.52	"
Cyanide	"		0.21	0.96	"
Lead	"		0.96	1.55	"
Mercury	"		0.00038	0.0031	"
Nickel	"		3.68	6.96	"
Silver	"		0.53	3.41	"
Zinc	"		4.75	20.93	"
Molydenum	"		1.23	3.96	"
Selenium	"		0.17	0.60	"
Phenol[3]	N/A		58.80	206.00	N/A
CBOD/BOD[3]	N/A		4044.00	12853.00	N/A
TSS[3]	N/A		2941.00	13368.00	N/A
Ammonia	N/A		2558.00	1285.00	N/A

[1]Program Mod submitted Nov 2007 [2]Chromium inhibition based on 0.25 mg/l; to be changed to 1.0 mg/l [3]Convention Pollutants based on "Average" concs; should be based on "Maximum" concs. [4]NPDES Permit AR0043401 Part III, page 4, para 7.b

SECTION II: PROGRAM ANALYSIS AND PROFILE

YES NO

✓ ___ Has the Control Authority technically evaluated the need for local limits for all required pollutants listed below? [WENDB-EVLL] [403.5(c)(1); 403.8(f)(4)]

	Headworks Analysis Completed?		Local Limits Needed?		Local Limits Adopted?		MAHLs calc'd for East/West POTWs Numerical Max's included in Program[1] (lb/d)
	Yes	No	Yes	No	Yes	No	
Arsenic (As)	✓			✓		✓	0.937 / 0.357
Cadmium (Cd)	✓			✓		✓	0.528 / 0.164
Chromium-Total	✓			✓		✓	1.451 / 0.901
Copper (Cu)	✓			✓		✓	7.683 / 0.827
Cyanide (CN)	✓			✓		✓	0.843 / 0.262
Lead (Pb)	✓			✓		✓	1.341 / 0.416
Mercury (Hg)	✓						0.002 / 0.0003
Molybdenum (Mo)	✓			✓		✓	2.810 / 2.702
Nickel (Ni)	✓			✓		✓	5.620 / 2.14
Selenium (Se)	✓			✓		✓	1.124 / 0.126
Silver (Ag)	✓			✓		✓	1.202 / 0.139
Zinc (Zn)	✓			✓		✓	13.060 / 4.053

[1]*Approved Program submitted Nov 97; Appendix K, Attachment No. 3 & 4, Table 3*

YES NO

___ ✓ Has the Control Authority identified pollutants of concern other than the required pollutants and technically evaluated the need for local limits for these? If yes, provide the following information:

POLLUTANT	Headworks Analysis Completed?		Local Limits Needed?		Local Limits Adopted?		Numerical Limit Adopted (mg/l)
	Yes	No	Yes	No	Yes	No	
N/A							

YES NO

N/A[1] Where it has been determined that certain pollutants need to have limits, has the POTW identified the sources of the pollutants?

[1]In reference to the DRAFT 2007 IPP, Section 9.9 *Discussion of Previous Local Limits* indicated that CWL would not allocate the allowable loading since the present loading to the POTW is a small percentage of the MAHL; therefore, the previous permit limits are under negotiation.

SECTION II: PROGRAM ANALYSIS AND PROFILE

What method of allocation was used for permit limits for each pollutant that has a local limit in-place?

	TYPE OF ALLOCATION[1]			
	Uniform Concentration	Mass	Hybrid	Performance Based
Arsenic (As)				
Cadmium (Cd)				
Chromium-Total				
Copper (Cu)				✓[2]
Cyanide (CN)				
Lead (Pb)				
Mercury (Hg)				
Molybdenum (Mo)				
Nickel (Ni)				
Selenium (Se)				
Silver (Ag)				
Zinc (Zn)				
BOD5		✓		
TSS		✓		

[1]In reference to the DRAFT 2007 IPP, Section 9.9 *Discussion of Previous Local Limits* indicated that CWL would not allocate the allowable loading since the present loading to the POTW is a small percentage of the MAHL; nonetheless, CWL has reserved to right to allocate and calculate permit limits from time to time. [2]CWL plans to develop a performance-based Copper limit for World Color.

If there is more than one treatment plant, were the local limits established specifically for each plant or were local limits applied uniformly to all plants?
The CA developed separate MAHLs for each POTW; the CA is presently updating the pretreatment program narrative.

H. COMPLIANCE MONITORING

Compliance Monitoring and Inspection Requirements:

Program Aspect	Approved Program	Federal Requirement	Explain Difference
Inspections:			
CIUs	1/year	1/year	
Other SIUs	"	1/year	
Sampling[1]:			
CIUs	1/year	1/year	*20 sampling visits last year for 7 CIUs*
Other SIUs	"	1/year	*1371 sampling visits last year for 10 SIUs*
Reporting:			
CIUs	*City does*	2/year	*Not req'd unless there's other reports*
Other SIUs	*monitoring*	2/year	*necessary than semi-annual*
Self-Monitoring:			
CIUs	"	2/year	N/A
Other SIUs	"	2/year	N/A

[1]Number of sampling visits taken from 2006/2007 Annual report.

#	%	How many and what percentage of SIUs were: (refer to p.1 for Pretreatment year)
0	0	Not sampled at least once in the past reporting year?
0	0	Not inspected at least once in the past Pretreatment reporting year?

SECTION II: PROGRAM ANALYSIS AND PROFILE

__0__ __0__ Not inspected and not sampled at least once in the past reporting year? [ICIS/RIDE SIUS Not Inspected/Sampled]-[403.8(f)(2)(v)]

Attach the names of SIUs that were not sampled and/or not inspected within the last Pretreatment reporting year. Include an explanation next to each name as to why it was not sampled and/or not inspected. *N/A*

Does the Control Authority routinely split samples with industrial personnel:

YES	NO	
✓	___	If requested?.
N/A		To verify IU self-monitoring results?

Provide the following information regarding pollutant analyses done by the POTW:

	Analytical Method *	Name of Laboratory
Metals	*AA Furnace*	*in-house*
Cyanide	*spectrophotometric*	*ETC*
Organics	*GC/MS*	"
Other	*Bio*	*ASU Ecotox*[1]

Were all wastewater samples analyzed by 40 CFR 136 methods? *Yes*

* Enter the type of Analytical Method used for each group of pollutants. (eg. AA-flame, AA-furnace, GC, GC/MS, ICP, etc.

[1]Auditor toured ASU Ecotox lab on Monday (March 24, 2008).

YES NO

✓ ___ Does the POTW use QA/QC for sampling and analysis? If yes, describe:
___POTW relies on the State's and EPA's certification programs___
___in-house rinsate checks are done on sampling equipment.___
___POTW now also does blanks, spikes and "dups" on de-i water___

How much time normally elapses between sample collection and obtaining analytical results for:

5-6dys Conventionals
5dys Metals
1 wk Organics

✓ ___ Is there an established protocol clearly detailing sampling location and procedures? *They now have established an SOP for equipment cleaning.*

___ ✓ Has the Control Authority had any problems performing compliance monitoring?

If yes, explain: *N/A*

Does the Control Authority use the following methods for compliance monitoring?

YES	NO	
✓	___	Scheduled compliance monitoring
✓	___	Unscheduled compliance monitoring
___	✓	Demand monitoring for IU compliance *(they do have the*
___	✓	IU self-monitoring *legal authority to do so)*
___	___	Other:_____

SECTION II: PROGRAM ANALYSIS AND PROFILE

YES NO

___ ✓ Has the Control Authority identified any violation of the prohibited discharge standards in the last reporting year ? If yes, describe below.

I. ENFORCEMENT

YES NO

✓ ___ Is the Control Authority definition of SNC consistent with EPA's? [403.8(f)(2)(viii)]

✓ ___ Does the Control Authority have a written enforcement response plan? [403.8(f)(5)]. If yes, does the plan:

YES NO

✓ ___ Describe how the Control Authority will investigate instances of noncompliance

✓ ___ Describe the Control Authority's types of escalating enforcement

responses and the periods for each response

✓ ___ Identify by Title the Official(s) responsible for implementing each type of enforcement response

✓ ___ Reflect the Control Authority's responsibility to enforce all applicable pretreatment requirements and standards

Check those compliance/enforcement options that are available to the POTW in the event of IU noncompliance: [403.8(f)(1)(vi)]

✓ Notice or letter of violation
✓ Setting of compliance schedule
✓ Injunctive relief
_____ Administrative Order
_____ Revocation of permit
✓ Fines (maximum amount):

civil $ 1000 /day/violation
criminal $ 1000 /day/violation
administrative $ _____/day/violation

_____ Imprisonment
✓ Termination of Service *(including water service)*
✓ Other: *Performance bonds & liability insurance*

Describe any problems the Control Authority has experienced in implementing or enforcing its pretreatment program: None apparent

YES NO

✓ ___ When violations occur, does the Control Authority routinely notify SIUs and escalate enforcement responses if violations continue? [403.8(f)(5)]

___ ✓ Are SIUs required to notify the Control Authority within 24 hours of becoming aware of a violation and to conduct additional monitoring within 30 days after the violation is identified? [403.12(g)(2)].
Comment: *CA conducts all monitoring & the normal sampling schedule for all SIUs is 30 days or less*

✓ ___ If no, does the Control Authority conduct all of the monitoring?

SECTION II: PROGRAM ANALYSIS AND PROFILE

YES	NO	N/A	
✓			Does the pattern of enforcement conform to the Enforcement Response Plan?

Complete the following table for SIUs identified as SNC.

SIU Name	Date First Identified in SNC	Enforcement Action Type	Enforcement Action Date	Return to Compliance? Yes (Date)	Return to Compliance? No
(None)					

Indicate the number and percent of SIUs that were identified as being in significant noncompliance during the past Pretreatment reporting period:

#	%	
0	0	Pretreatment Standards [ICIS-SNC Pret Std] (Local Limits/Cat Stds)
0	0	Self-monitoring requirements [ICIS-SNC Reporting]
0	0	Reporting requirements [ICIS-SNC Reporting]
0	0	Pretreatment compliance schedule [ICIS-SNC Pret Sch]

0 How many SIUs that are currently in SNC with self-monitoring and were not inspected or sampled? [ICIS/RIDE-SIUS Not Insp/Sampled]

YES	NO	
	✓	Does the ERP provide for any Pollution Prevention activities as corrective actions? If so, give some examples. *The existing ordinance no. 3126 does give CWL the authority to require BMPs via compliance orders; however, the proposed ordince provides for BMPs in Section 10.04.06 para 4.*

Has the Control Authority experienced any of the following:

YES	NO		EXPLAIN and ID Industrial User
	✓	Interference [ICIS/RIDE].	
	✓	Pass through [ICIS/RIDE].	
	✓	Fire or explosions? (incl. flash point viol.)	
	✓	Corrosive structural damage? (incl. pH <5.0).	
	✓	Flow obstructions?	
	✓	Excessive flow or pollutant concentrations?	
	✓	Heat problems?	
	✓	Interference due to oil or grease?	
	✓	Toxic fumes?	
	✓	Illicit dumping of hauled wastes?	

SECTION II: PROGRAM ANALYSIS AND PROFILE

YES NO

✓ ___ Does the Control Authority compare all monitoring data to applicable Pretreatment Standards and requirements contained in the control mechanism? [403.8(f)(2)(iv)]

0 How many SIUs are currently on compliance schedules?

___ ✓ Have any CIUs been allowed more than 3 years from the effective date of a categorical standard to achieve compliance with those standards? [403.6(b)]

Indicate the number of SIUs from which penalties have been collected by the Control Authority during the past Pretreatment reporting period:

	Number	Amount
Civil	0	$ 0
Administrative	0	$ 0
Total	0	$ 0 [WENDB-IUPN]

J. DATA MANAGEMENT/PUBLIC PARTICIPATION

YES NO

✓ ___ Are inspection & sampling records well documented, organized and readily retrievable? Are files/records:

YES	NO	
✓	___	computerized
✓	___	hard copy
___	___	OTHER: _____

Are the following files computerized:

YES NO

✓ ___ Control Mechanism Issuance
___ ✓ Inspection and Sampling schedule
✓ ___ Monitoring Data
✓ ___ IU Compliance Status Tracking
___ ___ Other: _____

Can IU monitoring data can be retrieved by:

✓ ___ Industry name
___ ✓ Pollutant type
✓ ___ Industrial category or type
___ ✓ SIC Code
✓ ___ IU discharge volume
___ ✓ Geographic location
✓ ___ Receiving treatment plant (i.e.if > one plant in the system)
___ ___ Other (specify) _____

* ___ Does the POTW have provisions to address claims of confidentiality? [403.8(f)(1)(vii)] **CA has no formal program but CA will accept confidential documents; Sect 10.04.12 in proposed ordinance addresses confidential information.*

✓ ___ Have IUs requested that data be held confidential?
How is confidential information handled by the Control Authority?

CA depends on staff to keep information confidential.

___ ✓ Are there significant public or community issues impacting the POTW's pretreatment program? If yes, please explain: _____

✓ ___ Are all records maintained for at least 3 years? (Kept Indefinitely)

SECTION II: PROGRAM ANALYSIS AND PROFILE

K. RESOURCES

What is the current level of resources dedicated to the Pretreatment Program in FTEs and funding amounts? [403.8(f)(3)] * - FTE = Full Time Equivalent Employee

~ 2.2 FTEs

YES NO

___ ✓ Have any problems in program implementation been observed which appear to be related to inadequate funding?
If yes, describe and show below the source(s) of funding for the program:

N/A

		Percent of Total Funding
	"CWL"	
✓	POTW general operating fund	*30*
✓	IU permit fees (back to G.O.F.)	
✓	monitoring charges "	*35*
✓	industry surcharges "	*35*
___	other (describe) ___	
	Total	*100%*

✓ ___ Is funding expected to continue near the current level? If no, will it:
Increase ____ or Decrease ____
If no, describe the nature of the changes:
n/a

Are an adequate number of personnel available for the following program areas:

YES	NO		If no, explain
✓	___	Legal assistance	
✓	___	Permitting	
✓	___	IU inspections	
✓	___	Sample collection	
✓	___	Sample analyses	
✓	___	Data analysis, review and response	
✓	___	Enforcement	
✓	___	Administration (inc. record keeping /data management)	

Does the Control Authority have access to adequate:

YES	NO		If yes then list and if no, explain
✓	___	Sampling equipment	*18 ISCO automatic samplers (and spares),ph and flow meters*
✓	___	Safety equipment	*Standard list*
✓	___	Vehicles	*Van, truck and car*

SECTION II: PROGRAM ANALYSIS AND PROFILE

✓ ___ Analytical equipment *AA furnace and conventionals analytical equip*

L. POLLUTION PREVENTION

1. Describe any efforts that have been taken to incorporate pollution prevention into the Pretreatment Program (e.g. waste minimization at IUs, household hazardous waste programs, etc.):
None

2. Has the source of any toxic pollutants been identified?
If yes, what was found?
None identified

3. Has the POTW implemented any kind of public education program? If yes, describe:
POTW have had guided tours

4. Does the POTW have any pollution prevention success stories for industrial users documented? *No*. If yes, please attach.

5. Are SIUs required to get a pollution prevention audit or assessment as a part of their permit application or as a requirement of their permit?
Yes

6. Has the POTW used any of the various "Guides to Pollution Prevention" as examples to their industrial and commercial users as ways to eliminate or reduce pollutants?
If yes, which of the "Guides to Pollution Prevention" were used? *P2 guidance manuals have been handed out in the past to applicable IUs*

SECTION III: INDUSTRIAL USER FILE REVIEW

FILE #: 1 Industry Name *Delta Cons Ind* File/ID No. *84-09*
Industry Address *4800 Krueger Road*
Industry Description *Mfgr of Tool Boxes*
Industrial Category *Manufacturer* 40 CFR *433* SIC Code: *3469*
Ave. Total Flow (gpd) _____ Ave. Process Flow (gpd) *7,200*

Industry visited during audit: YES

Comments: _____

FILE #: 2 Industry Name *Farr Company* File/ID No. *87-02*
Industry Address *3501 Airport Road*
Industry Description *Air Filtration*
Industrial Category *Manufacturer* 40 CFR *433* SIC Code: *3564*
Ave. Total Flow (gpd) _____ Ave. Process Flow (gpd) *3,200*

Industry visited during audit: *YES*

Comments: _____

FILE #: 3 Industry Name *J K Products & Services* File/ID No. *100-01*
Industry Address *1 Walter Kratz Drive*
Industry Description *Tanning Beds*
Industrial Category *Manufacturer* 40 CFR *433* SIC Code: *3648*
Ave. Total Flow (gpd) _____ Ave. Process Flow (gpd) *2,000*

Industry visited during audit: *YES*

Comments: _____

FILE #: 4 Industry Name *Post Division of Kraft* File/ID No. *93-02*
Industry Address *5800 C. W. Post Drive*
Industry Description *Cereal / Breakfast Food*
Industrial Category *Producer* 40 CFR *N/A* SIC Code: *2043*
Ave. Total Flow (gpd) _____ Ave. Process Flow (gpd) *276,000*

Industry visited during audit: *YES*

Comments: _____

FILE #: 5 Industry Name *Quebecor World* File/ID No. *84-14*
Industry Address *4708 Krueger Road*
Industry Description *Printing*
Industrial Category *Printer* 40 CFR *N/A* SIC Code: *2752*
Ave. Total Flow (gpd) _____ Ave. Process Flow (gpd) *76,800*

Industry visited during audit: *YES*
Comments: _____

SECTION III: INDUSTRIAL USER FILE REVIEW

✓ => Yes; X => No; N/A => Not Applicable

Industrial User Characterization

		Delta	Farr	JK	Post	Qbcor
1.	Is the IU considered "significant" by the Control Authority?	✓	✓	✓	✓	✓
2.	Is the user subject to categorical pretreatment standards?	✓	✓	✓	X	X
	a. New source or existing source (NS or ES)?	ES	NS	NS	N/A	N/A
	b. Is this IU one identified as having P^2 potential?	X	X	X	X	X

B. Control Mechanism

		Delta	Farr	JK	Post	Qbcor
1.	Does the file contain an application for a control mechanism?	✓	✓	✓[1]	✓	✓
	If yes, what is the application date?	11-3-06	9-26-07	5-7-10	1-30-04	7-28-09
	Does it ask for Pollution Prevention information?	✓	✓	✓	✓	✓
2.	Does the file contain a Permit?	✓[2]	✓	✓	✓	✓
	Permit Expiration Date?	6-30-12	10-31-12	6-30-15	2-28-13	9-30-14
	Is a fact sheet included?	✓	✓	✓	✓	✓

Comments: 1. See Attachment A for a copy of JK's application. 2. See Attachment B for a copy of Delta's permit. 3. CP implies "Cover Page" in each permit. 4. III.16 implies Part III paragraph 16 in each permit. 5. Post's permit contains "performance-based" limits for BOD (7500/15000 lbs/day); see Attachment D-2/2. The referenced ordinance does not contain these limits.
6. World Color's permit contains "technology transfer" limits; see Attachment E-2/2. The City and the auditor agreed to replace these limits with "performance-based" limits approved by ADEQ. 7. Flow is based on the total flow by CWL water meter. 8. The "Revoke provision is cited in Part III, paragraph 15, "provisions in Section 10.04.09(6)".

SECTION III: INDUSTRIAL USER FILE REVIEW

✓ => Yes; X => No; N/A => Not Applicable

		Delta	Farr	JK	Post	Qbcor
3.	Has the SIU been issued a control mechanism containing: [403.8(f)(1)(iii)(A)-(E)]					
a.	Legal Authority Cite?	CP[3]	CP	CP	CP	CP
b.	Expiration date?	CP	CP	CP	CP	CP
c.	Statement of nontransferability?	III.16[4]	III.16[4]	III.16[4]	III.16[4]	III.16[4]
d.	Appropriate discharge limitations?	✓	✓	✓	X[5]	X[6]
e.	Appropriate self-monitoring requirements?	N/A	N/A	N/A	N/A	N/A
f.	Sampling frequency?	✓	✓	✓	✓	✓
g.	Sampling locations?	II.8	II.8	II.8	II.8	II.8
h.	Requirement for flow monitoring?	✓[7]	✓[7]	✓[7]	✓[7]	✓[7]
i.	Types of samples (grab or composite) for self-monitoring?	✓	✓	✓	✓	✓
j.	Applicable IU reporting requirements?	N/A	N/A	N/A	N/A	N/A
k.	Standard conditions for:					
	Right of Entry?	III.8	III.8	III.8	III.8	III.8
	Records retention?	II.7	II.7	II.7	II.7	II.7
	Civil and Criminal Penalty provisions?	III.13	III.13	III.13	III.13	III.13
	Revocation of permit?	III.15[8]	III.15[8]	III.15[8]	III.15[8]	III.15[8]
l.	Compliance schedules/ progress reports	N/A	N/A	N/A	N/A	N/A
m.	General/Specific Prohibitions?	III.10/11	III.10/11	III.10/11	III.10/11	III.10/11
n.	Where technologically and economically achievable, are P[2] aspect included?	X	X	X	X	X

SECTION III: INDUSTRIAL USER FILE REVIEW

✓ => Yes; X => No; N/A => Not Applicable

C. Application of Standards	Delta	Farr	JK	Post	Qbcor
1. Has the IU been properly categorized?	✓	✓	✓	✓	✓
2. Were both Categorical Standards and Local Limits properly applied?	✓	✓	✓	X[9]	X[10]
3. Was the IU notified of recent revisions to applicable pretreatment standards? [403.8(f)(2)(iii)]	✓	✓	✓	✓	✓
4. For IUs subject to production-based standards, have the standards been properly applied? [403.8(f)(1)(iii)]	N/A	N/A	N/A	N/A	N/A
5. For IUs with combined wastestreams is the Combined Wastestream Formula or the Flow Weighted Average formula correctly applied? [403.6(d) and (e)]	N/A	N/A	N/A	N/A	N/A
6. For IUs receiving a "net/gross" variance, are the alternate standards properly applied?	N/A	N/A	N/A	N/A	N/A
7. Is the Control Authority applying a bypass provision to this IU?	X	X	X	X	X

Comments: 9. Post's permit has "local limits" which were not approved by ADEQ. 10. World Color has "local limits" which do not provide proper control (limits are not stringent enough). 11. Refer to CWL Chain-of-Custody form in Attachment F-4/4. 12. CWL determines flow from city water meters. 13. See Attachments F-1/4 & F-2/4. 14. See Attachment G for Delta's TOMP. 15. See Attachment F-3/4 for Delta's lab methods.

SECTION III: INDUSTRIAL USER FILE REVIEW

✓ => Yes; X => No; N/A => Not Applicable

	Delta	Farr	JK	Post	Qbcor
D. Compliance Monitoring					
Sampling					
1. Does the file contain Control Authority sampling results for the industry?	✓	✓	✓	✓	✓
2. Did the Control Authority sample as frequently as required by its approved program or permit? [403.8(c)]	✓	✓	✓	✓	✓
3. Does the sampling report(s) include: [403.8(f)(2)(vi)]					
a. Name of sampling personnel?	✓[11]	✓[11]	✓[11]	✓[11]	✓[11]
b. Sample date and time?	✓[11]	✓[11]	✓[11]	✓[11]	✓[11]
c. Sample type?	✓[11]	✓[11]	✓[11]	✓[11]	✓[11]
d. Wastewater flow at the time of sampling?	N/A[12]	N/A[12]	N/A[12]	N/A[12]	N/A[12]
e. Sample preservation procedures?	✓[11]	✓[11]	✓[11]	✓[11]	✓[11]
f. Chain-of-custody records?	✓[11]	✓[11]	✓[11]	✓[11]	✓[11]
g. Results for all parameters? SIUs & CIUs [403.12(g)(1) - CIUs]	✓[13]	✓[13]	✓[13]	✓[13]	✓[13]
4. Has the Control Authority appropriately implemented all applicable TTO monitoring/ management requirements?	✓[14]	✓	✓	N/A	N/A
5. Did the Control Authority adequately assess the need for flow-proportion vs. time-proportion vs. grab samples?	Timed	Timed	Timed	Timed	Timed
6. Were 40 CFR 136 analytical methods used? [403.8(f)(2)(vi)	✓[15]	✓	✓	✓	✓

SECTION III: INDUSTRIAL USER FILE REVIEW

✓ => Yes; X => No; N/A => Not Applicable

Inspections	Delta	Farr	JK	Post	Qbcor
7. Does the IU file contain inspection reports?	✓[16]	✓	✓	✓	✓
8. a. Has the Control Authority inspected the IU at least as frequently as required by the approved program or permit? [403.8(c)]	✓	✓	✓	✓	✓
b. Date of last Inspection	9/27/10	9/15/10 10:00am	9/15/10 2:00 pm	9/30/10	9/15/10 2:25 pm
9. Does the inspection report(s) include: [403.8(f)(2)(vi)]					
a. Inspector Name(s)	✓	✓	✓	✓	✓
b. Inspection date and time?	✓	✓	✓	✓	✓
c. Name and title of IU official contacted?	✓	✓	✓	✓	✓
d. Verification of production rates?	N/A	N/A	N/A	N/A	N/A
e. Identification of sources, flow, and types of discharge (regulated, dilution flow, etc.)?	II.02	II.02	II.02	II.02	II.02
f. Evaluation of pretreatment facilities?	N/A	N/A	N/A	N/A	N/A
g. Evaluation of self-monitoring equipment and techniques?	N/A	N/A	N/A	N/A	N/A
h. (Re)-Evaluation of slug discharge control plan & need to develop? [403.8(f)(2)(v)]	✓[17]	✓[17]	✓[17]	✓[17]	✓[17]
i. Manufacturing facilities?	II.03	II.03	II.03	II.03	II.03
j. Chemical handling and storage procedures?	✓	✓	✓	✓	✓
k. Chemical spill prevention areas?	✓	✓	✓	✓	✓
l. Hazardous waste storage areas and handling procedures?	✓[18]	✓[18]	✓[18]	N/A	✓[18]
m. Sampling procedures?	N/A	N/A	N/A	N/A	N/A
n. Laboratory procedures?	N/A	N/A	N/A	N/A	N/A
o. Monitoring records?	N/A	N/A	N/A	N/A	N/A
p. Evaluation of Pollution Prevention opportunities?	V.04	V.04	V.04	V.04	V.04
q. Control Authority inspector signature?	✓	✓	✓	✓	✓

Comments: 16. See Attachment C for a copy of Delta's inspection. 17. CWL conducts separate slug evaluations; see Attachment H for a copy of Delta's evaluation. 18. CWL makes comments in "Chemical Storage Area(s)" section. 19. CWL performs all monitoring. 20. Permit Application doubles as BMR. 21. See Attachment I for a copy to Delta's SPCC Table of Contents.

SECTION III: INDUSTRIAL USER FILE REVIEW

✓ => Yes; X => No; N/A => Not Applicable

	Delta	Farr	JK	Post	Qbcor
IU Self-Monitoring and Reporting					
10. Does the file contain self-monitoring reports?	N/A[19]	N/A[19]	N/A[19]	N/A[19]	N/A[19]
11. Does the file include:					
a. BMR?	✓[20]	✓[20]	✓[20]	N/A	N/A
b. 90-Day Report?	✓[20]	✓[20]	✓[20]	N/A	N/A
c. All periodic reports?	N/A	N/A	N/A	N/A	N/A
d. Compliance schedule reports?	N/A	N/A	N/A	N/A	N/A
12. Did the IU report on all required parameters?	N/A[19]	N/A[19]	N/A[19]	N/A[19]	N/A[19]
13. Did the IU comply with the required sampling frequency(s)?	N/A[19]	N/A[19]	N/A[19]	N/A[19]	N/A[19]
14. Did the IU report flow?	N/A[19]	N/A[19]	N/A[19]	N/A[19]	N/A[19]
15. Did the IU comply with the required reporting frequency(s)?	N/A[19]	N/A[19]	N/A[19]	N/A[19]	N/A[19]
16. For all SIUs, are self-monitoring reports signed and certified?	N/A[19]	N/A[19]	N/A[19]	N/A[19]	N/A[19]
17. Did the IU report all changes in its discharge? [403.12(j)]	N/A[19]	N/A[19]	N/A[19]	N/A[19]	N/A[19]
18. Has the IU developed a Slug Control and Prevention Plan?	✓[21]	✓[21]	✓[21]	✓[21]	✓[21]
19. Has the industry been responsible for spills or slug loads discharged to the POTW?	X	X	X	X	X
If yes, does the file contain documentation regarding:					
a. Did the spill cause Pass Through or Interference?	N/A	N/A	N/A	N/A	N/A
b. Did POTW respond to the spill?	N/A	N/A	N/A	N/A	N/A

SECTION III: INDUSTRIAL USER FILE REVIEW

✓ => Yes; X => No; N/A => Not Applicable

	Delta	Farr	JK	Post	Qbcor
E. Enforcement					
1. Were all IU discharge violations identified in: [403.8(f)(2)(vi)]					
a. Control Authority monitoring results?	N/A	N/A	N/A	✓	✓
b. IU self-monitoring results?	N/A[19]	N/A[19]	N/A[19]	N/A[19]	N/A[19]
c. If NS CIU was it compliant within 90 days from commencement of discharge?	N/A	✓	✓	N/A	N/A
2. How many reports submitted during the past reporting year indicated discharge violations?	N/A[19]	N/A[19]	N/A[19]	N/A[19]	N/A[19]
3. Did the IU notify the Control Authority within 24 hours of becoming aware of the violation(s)?	N/A[19]	N/A[19]	N/A[19]	N/A[19]	N/A[19]
4. Was additional monitoring conducted within 30 days after each discharge violation occurred?	✓[22]	✓[22]	✓[22]	✓[22]	✓[22]
5. Were all nondischarge violations identified in the file?	N/A[19]	N/A[19]	N/A[19]	N/A[19]	N/A[19]
6. Was the IU notified of all violations?	N/A	N/A	✓	✓	N/A
7. Was follow-up enforcement action taken by the Control Authority?	N/A	N/A	✓	✓	N/A
8. Did the Control Authority follow its approved ERP?	N/A	N/A	✓	✓	N/A
9. Did the Control Authority's enforcement action result in the IU achieving compliance?	N/A	N/A	✓	✓	N/A
10. Is there a compliance schedule? If yes:	X	X	X	X	X

Comments: 22. CWL normally performs monitoring at least monthly on all SIUs.

SECTION III: INDUSTRIAL USER FILE REVIEW

✓ => Yes; X => No; N/A => Not Applicable

	Delta	Farr	JK	Post	Qbcor
11. Were there any compliance schedule violations?	N/A	N/A	N/A	N/A	N/A
12. Was SNC calculated for the violations on a quarterly basis? [403.8(f)(2)(vii)]	N/A	N/A	N/A	N/A	N/A
During evaluation for SNC, did the CA consider each of the following criteria?					
a. Chronic violations	N/A	N/A	N/A	N/A	N/A
b. TRC	N/A	N/A	N/A	N/A	N/A
c. Pass through/Interference	N/A	N/A	N/A	N/A	N/A
d. Spill/slug loads	N/A	N/A	N/A	N/A	N/A
e. Reporting	N/A	N/A	N/A	N/A	N/A
f. Compliance schedule	N/A	N/A	N/A	N/A	N/A
g. others (specify)	N/A	N/A	N/A	N/A	N/A
13. Was the SIU published for SNC?	N/A	N/A	N/A	N/A	N/A
Date of publication.	N/A	N/A	N/A	N/A	N/A

Comments: No SIU was in SNC for the last Annual Report year.

REPORTABLE NONCOMPLIANCE (RNC) for the Pretreatment Audit Checklist

(MUNICIPAL POLLUTION PREVENTION ASSESSMENT CHECKLIST)

Control Authority: Jonesboro City Water & Light NPDES #: AR0037907

Date of Audit: March 23-25, 2011 Date entered into QNCR: 04-06-2011

(ASSESSMENT)

		Level
NO	Failure to enforce against pass through and/or interference	I
NO	Failure to submit required reports within 30 days	I
NO	Failure to meet compliance schedule milestone date within 90 days	I
NO	Failure to issue/reissue control mechanisms to 90% of SIUs within 6 months	II
NO	Failure to inspect or sample 80% of SIUs within the last reporting year	II
NO	Failure to enforce pretreatment standards and reporting requirements	II
NO	Other violations of concern	II

SIGNIFICANT NONCOMPLIANCE (SNC)

NO Is the Control Authority in SNC for violation of any Level I criterion.

NO Is the Control Authority in SNC for violation of 2 or more Level II criterion.

ICIS NPDES: Add Inspection - Windows Internet Explorer

https://icis.epa.gov/icis/inspection/AddInspection.do?actionMethod=initiate&epaOrState=S&CMType=INS&fromICIS

File Edit View Favorites Tools Help

Links Customize Links Free Hotmail Windows Windows Marketplace Windows Media

Google Go Bookmarks Popups okay Check AutoLink AutoFill Send to Settings

ICIS NPDES: Add Inspection

Page Tools

Compliance Monitoring Information

Compliance Activity Type: Inspection/Evaluation

* State: AR

Compliance Monitoring Activity Name: Jonesboro CWL

If Biomonitoring is selected as the Compliance Monitoring Type, please enter Biomonitoring Compliance Monitoring Method:

* Compliance Monitoring Type: AFO Defined, AFO Designation, Aerial Photography, **Audit**, Audit (IU)

* Linked Facility

FACILITIES

Program System Acronym	Identifier	Facility Site Name	Address	FRS ID
NPDES	AR0037907	VALIDATE		

Compliance Monitoring Dates

Planned Start Date: 03/23/2011

Planned End Date: 03/25/2011

Actual Start Date: 03/23/2011

Actual End Date: 03/25/2011

Statutes and Sections Information

Federal Statutes : CWA - Clean Water Act

* Programs: NPDES - Post Administrative Penalty Case (Settlement), **NPDES - Pretreatment**, NPDES - Sanitary Sewer Overflow (SSO), NPDES - Section 308 Information Requests, NPDES - Sludge/Biosolids

State Statute:

* Compliance Monitoring Action Reason: Agency Priority, Citizen Complaint/Tip, **Core Program**, For Cause, Random Inspection

* Compliance Monitoring Agency Type: State Contractor, State - Using Federal Credential, **State**, Regional, Other Federal

Compliance Monitoring Agency Name:

If State, Local or Tribal lead, did EPA Assist?: No

Was this a State, Federal or Joint (State/Federal) Compliance Monitoring Activity?: State

If Joint, what was the purpose of the participation of the other party?:

Which party had the lead?:

Government Contacts

CONTACTS

Affiliation Type	First Name	Last Name	Phone	Office	Organization

Codes

SIC Codes: 4952 Sewerage Systems

ADD / REMOVE

NAICS Codes:

ADD / REMOVE

Priorities

OECA National Priority: 2009 - (CA Only) - Air Toxics - Flares, 2009 - (CA Only) - Air Toxics - LDAR, 2009 - (CA Only) - Air Toxics - Surface Coating, 2009 - (CA Only) - Financial Assurance, 2009 - (CA Only) - MP - Mining

Regional Priority: 2009 - Region 06 - Air Toxics Major Sources (O & G), 2009 - Region 06 - Brine Spills from Oil & Gas Operations, 2009 - Region 06 - CD Implementation, 2009 - Region 06 - Minor Wastewater Collection & Treatment System, 2009 - Region 06 - Petroleum Refining

Media Monitored

Media Monitored:

Compliance Monitoring Media Indicator

Multimedia Indicator: ☐

Compliance Monitoring Information

Number of Days Physically Conducting Activity:

Number of Hours Physically Conducting Activity:

Compliance Monitoring Action Outcome:

Compliance Monitoring Rating Code:

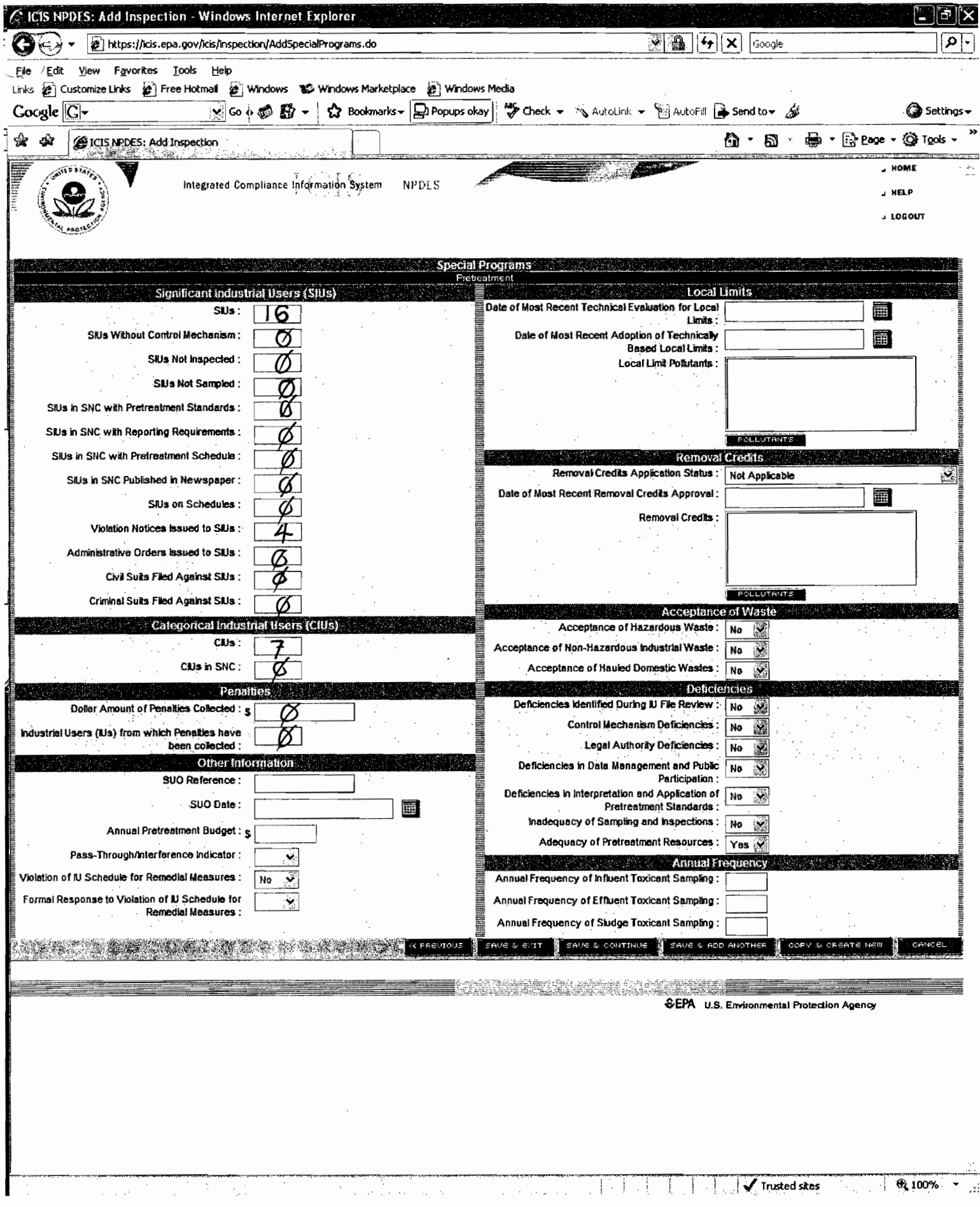
Compliance Monitoring Comments

Compliance Monitoring Comments: 005: Significant Industries Site Visits Conducted

User Defined Fields

1: ☐

Trusted sites 100%


ICIS NPDES: Add Inspection - Windows Internet Explorer

https://icis.epa.gov/icis/inspection/AddSpecialPrograms.do

Integrated Compliance Information System NPDES

HOME
HELP
LOGOUT

Special Programs
Pretreatment

Significant Industrial Users (SIUs)

SIUs :	16
SIUs Without Control Mechanism :	0
SIUs Not Inspected :	0
SIUs Not Sampled :	0
SIUs in SNC with Pretreatment Standards :	0
SIUs in SNC with Reporting Requirements :	0
SIUs in SNC with Pretreatment Schedule :	0
SIUs in SNC Published in Newspaper :	0
SIUs on Schedules :	0
Violation Notices Issued to SIUs :	4
Administrative Orders Issued to SIUs :	0
Civil Suits Filed Against SIUs :	0
Criminal Suits Filed Against SIUs :	0

Categorical Industrial Users (CIUs)

CIUs :	7
CIUs in SNC :	0

Penalties

Dollar Amount of Penalties Collected : $	0
Industrial Users (IUs) from which Penalties have been collected :	0

Other Information

SUO Reference :	
SUO Date :	
Annual Pretreatment Budget : $	
Pass-Through/Interference Indicator :	
Violation of IU Schedule for Remedial Measures :	No
Formal Response to Violation of IU Schedule for Remedial Measures :	

Local Limits

Date of Most Recent Technical Evaluation for Local Limits :	
Date of Most Recent Adoption of Technically Based Local Limits :	
Local Limit Pollutants :	POLLUTANTS

Removal Credits

Removal Credits Application Status :	Not Applicable
Date of Most Recent Removal Credits Approval :	
Removal Credits :	POLLUTANTS

Acceptance of Waste

Acceptance of Hazardous Waste :	No
Acceptance of Non-Hazardous Industrial Waste :	No
Acceptance of Hauled Domestic Wastes :	No

Deficiencies

Deficiencies Identified During IU File Review :	No
Control Mechanism Deficiencies :	No
Legal Authority Deficiencies :	No
Deficiencies in Data Management and Public Participation :	No
Deficiencies in Interpretation and Application of Pretreatment Standards :	No
Inadequacy of Sampling and Inspections :	No
Adequacy of Pretreatment Resources :	Yes

Annual Frequency

Annual Frequency of Influent Toxicant Sampling :	
Annual Frequency of Effluent Toxicant Sampling :	
Annual Frequency of Sludge Toxicant Sampling :	

<< PREVIOUS | SAVE & EXIT | SAVE & CONTINUE | SAVE & ADD ANOTHER | COPY & CREATE NEW | CANCEL

EPA U.S. Environmental Protection Agency

Trusted sites 100%

SECTION III: INDUSTRIAL USER FILE REVIEW

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT

Control Authority: *City of Jonesboro* NPDES #: *AR0043401*

Name, address and phone number of industry:
POST FOODS 5800 C.W. Post Road 72401 (870) 933-4141

Type of industry: *Breakfast Food Manufacturer*

Date/Time of visit: *03/24/2011 @ 8:40 am*

Industry contact(s): *Rae Bacon, Safety Security & Env Mgr*
rae.bacon@postfoods.com

	Yes	No	N/A
1. Significant industrial user?	✓		
2. Classified correctly?	✓		
3. Pretreatment equipment or procedures?		✓[1]	
4. Pretreatment equipment maintained and operational?			✓
5. Hazardous waste generated or stored?			✓
6. Proper solid waste disposal?	✓[2]		
7. Solvent management/TTO control?			✓
8. Suitable sampling location?	✓		
9. Appropriate self-monitoring procedures/equipment?			✓[3]
10. Adequate spill prevention and control?	✓		
11. Industrial familiar with limits and requirements?	✓		
12. Pollution Prevention activity			✓

Additional comments: *1. Screening only to remove large food particles 2. Solid Waste: Off-Spec products used for animal feed 3. CWL performs all monitoring.*

Visit conducted by: *Torrence/Taylor/Gibson/Saulsbury*

_____ Date: _____

(signature of auditor conducting visit)

SECTION III: INDUSTRIAL USER FILE REVIEW

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT (CONTINUED)

Control Authority: *City of Jonesboro* NPDES #: *AR0043401*

Industry name: *POST FOODS*

Additional comments: *Post is a three story facility under a roof which covers over an acre. This facility manufactures "Coca Puffs", "Shreaded Wheat", "Frosted Flakes", etc.*

Visit conducted by: *Torrence/Taylor/Gibson/Saulsbury*

_____ Date: _____

(signature of auditor conducting visit)

SECTION III: INDUSTRIAL USER FILE REVIEW

PRETREATMENT AUDIT

(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT

Control Authority: *City of Jonesboro* NPDES #: *AR0043401*

Name, address and phone number of industry:

WORLD COLOR/QUADGRAPHICS 4708 Krueger Drive 72401 (870)333-2081

Type of industry: *Printing www.QG.com*

Date/Time of visit: *03/24/2011 @ 10:13 am*

Industry contact(s): *David Hakenewerth, Engineering & Maintenance david.hakenewereth@qg.com*

	Yes	No	N/A
1. Significant industrial user?	✓		
2. Classified correctly?	✓		
3. Pretreatment equipment or procedures?			✓
4. Pretreatment equipment maintained and operational?			✓
5. Hazardous waste generated or stored?	✓[1]		
6. Proper solid waste disposal?	✓		
7. Solvent management/TTO control?	✓		
8. Suitable sampling location?	✓		
9. Appropriate self-monitoring procedures/equipment?			✓[2]
10. Adequate spill prevention and control?	✓[3]		
11. Industrial familiar with limits and requirements?	✓		
12. Pollution Prevention activity			✓

Additional comments: *1. Stores petroleum-based oil on-site. The printing ink contains copper. 2. CWL performs all monitoring. 3. No open floor drains in facility.*

Visit conducted by: *Torrence/Taylor/Gibson/Saulsbury*

_____ Date: _____

(signature of auditor conducting visit)

SECTION III: INDUSTRIAL USER FILE REVIEW

PRETREATMENT AUDIT

(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT (CONTINUED)

Control Authority: City of Jonesboro NPDES #: AR0043401

Industry name:

Additional comments: *Worldcolor provides high-value and comprehensive print, digital and related services to retailers, catalogers, publishers, branded-goods companies and other businesses worldwide. Founded in 1903, Worldcolor''s products include advertising inserts and circulars, catalogs, direct mail products, magazines, books, directories, digital premedia, logistics and mail list technologies.*

World Color is the largest postal customer in Arkansas.

Visit conducted by: *Torrence/Taylor/Gibson/Saulsbury*

_____ Date: _____

(signature of auditor conducting visit)

SECTION III: INDUSTRIAL USER FILE REVIEW

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT

Control Authority: *City of Jonesboro* NPDES #: *AR0043401*

Name, address and phone number of industry:
DELTA/APEX TOOL GROUP 4800 Krueger Drive 72401 (870)268-2640

Type of industry: *Tool Box Manufacturer*
(Include regulatory citation if CIU) *40 CFR 433*

Date/Time of visit: *03/24/2011 @ 11:35 am*

Industry contact(s): *Matt Somers EHS Mgr*
matthew.somers@apextoolgroup.com

		Yes	No	N/A
1.	Significant industrial user?	✓		
2.	Classified correctly?	✓		
3.	Pretreatment equipment or procedures?			✓
4.	Pretreatment equipment maintained and operational?			✓
5.	Hazardous waste generated or stored?	✓		
6.	Proper solid waste disposal?	✓		
7.	Solvent management/TTO control?	✓		
8.	Suitable sampling location?	✓		
9.	Appropriate self-monitoring procedures/equipment?			✓[1]
10.	Adequate spill prevention and control?	✓		
11.	Industrial familiar with limits and requirements?	✓		
12.	Pollution Prevention activity	✓		

Additional comments: *1. CWL performs all monitoring.*

Visit conducted by: *Torrence/Taylor/Gibson/Saulsbury*

_____ Date: _____

(signature of auditor conducting visit)

SECTION III: INDUSTRIAL USER FILE REVIEW

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT (CONTINUED)

Control Authority: City of Jonesboro NPDES #: AR0043401

Industry name:

Additional comments: *This facility manufactures steel and aluminum toolboxes, liquid transfer tanks, etc.*

The facility purchases flat metal sheets; then cut and bend the sheets to produce parts for the toolboxes. The parts are welded to produce the final box. The boxes are cleaned/coated in a phosphate washer before powder painting them.

Visit conducted by: *Torrence/Taylor/Gibson/Saulsbury*

_____ Date: _____

(signature of auditor conducting visit)

SECTION III: INDUSTRIAL USER FILE REVIEW

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT

Control Authority: *City of Jonesboro* NPDES #: *AR0043401*

Name, address, phone number & website of industry:
FARR APC /3505 S. Airport Road /(870) 933-7604 / www.farrapc.com

Type of industry: *Manufacturer Air Pollution Control Filters*
(Include regulatory citation if CIU) *40 CFR 433*

Date/Time of visit: *03/24/2011 @ 2:00 pm*

Industry contact(s): *Tim Teague, Quality/Safety Coordinator*
teague@farrapc.com

		Yes	No	N/A
1.	Significant industrial user?	✓		
2.	Classified correctly?	✓		
3.	Pretreatment equipment or procedures?			✓
4.	Pretreatment equipment maintained and operational?			✓
5.	Hazardous waste generated or stored?			✓
6.	Proper solid waste disposal?	✓		
7.	Solvent management/TTO control?	✓		
8.	Suitable sampling location?	✓		
9.	Appropriate self-monitoring procedures/equipment?			✓[1]
10.	Adequate spill prevention and control?			✓
11.	Industrial familiar with limits and requirements?	✓		
12.	Pollution Prevention activity			✓

Additional comments: *1. CWL performs all monitoring.*

Visit conducted by: *Torrence/Taylor/Gibson/Saulsbury*

_____ Date: _____

(signature of auditor conducting visit)

SECTION III: INDUSTRIAL USER FILE REVIEW

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT (CONTINUED)

Control Authority: City of Jonesboro NPDES #: AR0043401

Industry name:

Additional comments: *This facility manufactures industrial dust collection to clean up manufacturing processes; Farr has installed one of its filters in this facility.*

Visit conducted by: *Torrence/Taylor/Gibson/Saulsbury*

_____ Date: _____

(signature of auditor conducting visit)

SECTION III: INDUSTRIAL USER FILE REVIEW

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT

Control Authority: *City of Jonesboro* NPDES #: *AR0043401*

Name, address, phone number and website of industry:
JK PRODUCTS / #1 Walter Kratz Drive / (870)268-2808 www.jkamerica.com

Type of industry: *Manufacturer of Tanning Beds*
(Include regulatory citation if CIU) *40 CFR 433*

Date/Time of visit: *03/24/2011 @ 3:30 pm*

Industry contact(s): *Ric Metcalf*
ric.metcalf@jkamerica.com

		Yes	No	N/A
1.	Significant industrial user?	✓		
2.	Classified correctly?	✓		
3.	Pretreatment equipment or procedures?		✓	
4.	Pretreatment equipment maintained and operational?			✓
5.	Hazardous waste generated or stored?		✓	
6.	Proper solid waste disposal?			✓
7.	Solvent management/TTO control?	✓		
8.	Suitable sampling location?	✓		
9.	Appropriate self-monitoring procedures/equipment?			✓[1]
10.	Adequate spill prevention and control?			✓
11.	Industrial familiar with limits and requirements?	✓		
12.	Pollution Prevention activity	✓		

Additional comments: *1. CWL performs all monitoring*

Visit conducted by: *Torrence/Taylor/Gibson/Saulsbury*

_____ Date: _____
(signature of auditor conducting visit)

SECTION III: INDUSTRIAL USER FILE REVIEW

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT (CONTINUED)

Control Authority: *City of Jonesboro* NPDES #: *AR0043401*

Industry name:

Additional comments: *JK uses a phosphate cleaning/coating operation prior to powder painting parts for the beds.*

Visit conducted by: *Torrence/Taylor/Gibson/Saulsbury*

_____ Date: _____

(signature of auditor conducting visit)

Permit Application for the Discharge of Industrial/Commercial Wastewater to the Jonesboro CWL Wastewater Collection System

CWL use only:
Date Permit Application mailed to the industrial user: 4/7/2010
Date completed Permit Application received by CWL: 5/12/2010

Please complete the following:

Check one:

(X) Permit application for renewal of an existing permit.
Current Permit Number: 100-01
Current permit Expiration Date: 6/30/10

( ) Application for a new permit

1. Firm Name: JK Products & Services

Mailing Address: 1 WALTER KRATZ DR.
City, ZIP Code: Jonesboro 72401

Facility Address: SAME AS MAILING
City, ZIP Code:

#1 Contact Person: DAVID Kelley
Telephone Number: 870-935-1130 EXT 2350
Fax Number: 870-972-6505
Web Site Address: dave.kelley@jkamerica.com
www.jkamerica.com

#2 Contact Person: TERRY MAYS
Telephone Number: 870-268-2805
Fax Number: 870-972-6505
Web Site Address: terry M @ JKamerica.com.

Corporate Contact Person: Terry Mays
Telephone Number: 870-935-1130
Fax Number: 870-972-6505
Web Site Address: WWW.JKamerica.com.
Mailing Address: #1 Walter Kratz Jonesboro, AR

2. Standard Industrial Classification Code Number: 3648

North American Industrial Classification Code Number: ~~3648~~ 33992

A-1/10

3. Quantity of Wastewater (Estimate if new facility):

Wastewater Origination	Flows (gallons per day): Current CWL Records	Self-Monitoring or Estimate
Total (process and sanitary)		
Average Daily Wastewater Flow Rate		
Maximum Daily Wastewater Flow Rate		
Process only Wastestreams		
Average Daily Process Wastewater Flow Rate		3,810.8
Maximum Daily Process Wastewater Flow Rate		

List any periodic or seasonal variations:
May - Sept is Slow Season for our Company. Normally Operate at 25% to 50% -
Main Production Season is OCT - APRIL

Wastewater Parameter Concentrations:

Parameter	Units		TBLL or Ordinance Limit	Monitoring results of: Existing Permits CWL	Estimates*
BOD5	mg/L	30 Day Average	250		N/A
		1 Day Maximum	250		
TSS	mg/L	30 Day Average	250		N/A
		1 Day Maximum	250		
pH	S/U	1 Day Maximum	6.0-11.5	8.8	
FOG	mg/L	1 Day Maximum	100		8.7
Cyanide, Total	mg/L	30 Day Average	0.65	.005	
		1 Day Maximum	1.20	.005	
Cadmium, Total	mg/L	30 Day Average	0.15	.006	
		1 Day Maximum	0.69	.011	
Chromium, Total	mg/L	30 Day Average	1.08	.026	
		1 Day Maximum	2.77	.027	
Copper, Total	mg/L	30 Day Average	2.07	.016	
		1 Day Maximum	3.38	.030	
Lead, Total	mg/L	30 Day Average	0.43	.040	
		1 Day Maximum	0.69	.049	
Molybdenum, T.	mg/L	30 Day Average	EPA		
		1 Day Maximum	EPA		

A-2/10

Nickel, Total	mg/L	30 Day Average	1.03	.044	
		1 Day Maximum	3.98	.044	
Selenium, Total	mg/L	30 Day Average	EPA		
		1 Day Maximum	EPA		
Silver, Total	mg/L	30 Day Average	0.24	.005	
		1 Day Maximum	0.43	.005	
Zinc, Total	mg/L	30 Day Average	1.48	.623	
		1 Day Maximum	2.61	.695	

*Estimate based upon historical data or projections for new facilities based upon comparable existing technology.

EPA: EPA categorical limits apply

EPA Regulated Priority Pollutants:

List any Priority Pollutants in the spaces provided that are known to be present in the wastestream of processes found at your facility. Refer to your facilities MSDS for further information.

01. Acenaphthene
02. Acrolein
03. Acrylonitrile
04. Aldrin/Dieldrin
05. Antimony and compounds (*compounds* include organic and inorganic.)
06. Arsenic and compounds
07. Asbestos
08. Benzene
09. Benzidine
10. Beryllium and compounds
11. Cadmium and compounds
12. Carbon tetrachloride
13. Chlordane (technical mixture and metabolites)
14. Chlorinated benzenes (other than di-chlorobenzenes)
15. Chlorinated ethanes (including 1,2-di-chloroethane, 1,1,1-trichloroethane, and hexachloroethane)
16. Chloroalkyl ethers (chloroethyl and mixed ethers)
17. Chlorinated naphthalene
18. Chlorinated phenols (other than listed elsewhere; includes trichlorophenols and chlorinated cresols)
19. Chloroform
20. 2-chlorophenol
21. Chromium and compounds
22. Copper and compounds
23. Cyanides
24. DDT and metabolites
25. Dichlorobenzenes (1,2-, 1,3-, and 1,4-di-chlorobenzenes)
26. Dichlorobenzidine
27. Dichloroethylenes (1,1-, and 1,2-dichloroethylene)
28. 2,4-dichlorophenol
29. Dichloropropane and dichloropropene
30. 2,4-dimethylphenol
31. Dinitrotoluene

32. Diphenylhydrazine
33. Endosulfan and metabolites
34. Endrin and metabolites
35. Ethylbenzene
36. Fluoranthene
37. Haloethers
    (other than listed elsewhere; includes chlorophenylphenyl ethers, bromophenylphenyl ether, bis(dichloroisopropyl) ether, bis-(chloroethoxy) methane and polychlorinated diphenyl ethers)
38. Halomethanes (other than listed elsewhere; includes methylene chloride, methylchloride, methylbromide, bromoform, dichlorobromomethane
39. Heptachlor and metabolites
40. Hexachlorobutadiene
41. Hexachlorocyclohexane
42. Hexachlorocyclopentadiene
43. Isophorone
44. Lead and compounds
45. Mercury and compounds
46. Naphthalene
47. Nickel and compounds
48. Nitrobenzene
49. Nitrophenols (including 2,4-dinitrophenol, dinitrocresol)
50. Nitrosamines
51. Pentachlorophenol
52. Phenol
53. Phthalate esters
54. Polychlorinated biphenyls (PCBs)
55. Polynuclear aromatic hydrocarbons (including benzanthracenes, benzopyrenes, benzofluoranthene, chrysenes, dibenz-anthracenes, and indenopyrenes)
56. Selenium and compounds
57. Silver and compounds
58. 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD)
59. Tetrachloroethylene
60. Thallium and compounds
61. Toluene
62. Toxaphene
63. Trichloroethylene
64. Vinyl chloride
65. Zinc and compounds

[44 FR 44502, 7/30/79, as amended at 46 FR 2266, 1/8/81; 46 FR 10724, 2/4/81]

Priority Pollutant (Name)		Concentration
	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	

(Attach additional sheets as needed.)

List all chemicals/products with MSDS information at your facility that may come into contact with water at any time. Include any chemicals that are stored in an area adjacent to a wastestream, which may become contaminated if spilled. Attach additional sheets as needed.

Chemical Name	Amount used per day	Amount Stored at Facility
See attached		

5. Attach sketches of the following to this document:
   General plant processes and wastewater lines (including the location of all floor drains). Include any existing or proposed pretreatment systems, the location and sizes of all existing and proposed connections to the CWL Wastewater Collection System. Also, include the details of the proposed monitoring access facilities.

6.a. Describe the nature of the manufacturing/commercial activities of the plant. Describe in detail any water usages other than sanitary or noncontact cooling water. Attach additional sheets as required.

3 Stage Washer Used to Put Iron Phosphate on the Metal Parts @ 2-3% Concentration Followed by 2 Rinse Tanks with Avg of 2-3 GAL Overflow per Min when in Operation

6.b. Describe any products manufactured or assembled at the plant by type and amount.

Indoor Tanning Equipment

6.c. Describe the type and amount of raw materials used at the facility.

1) Low Carbon Steel
2) Aluminum.

7.a. What are the hours of operation at your facility?

Shift	Hours	Day of the Week Mon	Tue	Wed	Thu	Fri	Sat	Sun
1st:	6:00 to 4:30	(✓)	(✓)	(✓)	(✓)	( )	( )	( )
2nd:	____ to ____	( )	( )	( )	( )	( )	( )	( )
3rd:	____ to ____	( )	( )	( )	( )	( )	( )	( )

7.b. What are the proposed/actual hours of operation of any pretreatment systems at your facility?

Shift	Mon	Day of the Week: Tue	Wed	Thu	Fri	Sat	Sun
1st:	6 to 4:30	6 to 4:30	6 to 4:30	6 to 4:30	__ to __	__ to __	__ to __
2nd:	__ to __	__ to __	__ to __	__ to __	__ to __	__ to __	__ to __
3rd:	__ to __	__ to __	__ to __	__ to __	__ to __	__ to __	__ to __

8. Is your manufacturing or commercial operation subject to National Categorical Pretreatment Standards?

(✓)Yes ( )No.

If you answered yes to the above question, to which of the following National Categorical Pretreatment Standards are you subject?

Reply: Metal Finishing (Sheet Metal Shearing & Bending)

A-6/10

9. Pollution Prevention Activities

Does this facility have a written Pollution Prevention Plan?
( ) Yes
(✓) No

Does this facility practice Pollution Prevention?
(✓) Yes
( ) No

Check any of the following Pollution Prevention Activities.

(✓) Spill and Leak Prevention Procedures
Explain: We Have Spill & Leak Prevention Team that is Training. We have all Chemical in Self Contained Containers

( ) 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: _____

A-7/10

Permit Application for New Permit /Renewal (Cont'd)

An authorized representative of the Industrial user must certify this permit application. Failure to certify will result in denial of permit.

Certification Statement

"I declare that I have examined this report and to the best of my knowledge and belief that it is true, correct, and complete."

Certified by: _____ Date: 5-7-2010
(Authorized representative)

Title: Executive Director & Technology

An authorized representative may be:

(A) If the Industrial User is a corporation, the Authorized Representative shall be as follows:

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

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 capitol investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(B) If the Industrial User is a partnership or sole proprietorship, an Authorized Representative shall 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 Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the Manager of CWL.

A-8/10

Please note:

The following questions (numbers 9-11) deal with current NPDES or CWL Industrial Pretreatment Program Permit holders.

9. Are the applicable National Categorical Pretreatment Standards and City of Jonesboro Sewer Use Ordinance wastewater discharge limitations being met on a consistent basis? (✓)Yes (_)No

Explain:

TEST Samples TAKEN By CWL meets the ABove Standards

10. If the applicable National Categorical Pretreatment Standards and City of Jonesboro Sewer Use Ordinance wastewater discharge limitations are not being met on a consistent basis, is additional pretreatment and/or an alteration of current operations and maintenance (O&M) required by your firm to meet the limitations?

Explain:

If additional pretreatment and/or an alteration of current operations and maintenance (O&M) are required to meet the limitations, submit the compliance schedule (found on the following page) that documents when your facility will attain final compliance with the applicable limitations.

Pretreatment Compliance Schedule Instructions

A. The compliance schedule shall contain a list of the major events leading to compliance. The expected dates of completion of such events shall also be given.

B. The completion dates of any two (2) successive events shall also be given.

C. Within fourteen (14) business days after the completion of each event, the Industrial User shall submit a progress report to the approval authority (CWL) indicating the following:

   i. The date the event was completed
   ii. If the event was not completed as scheduled, the reason for the delay.
   iii. Steps taken by the Industrial User to return to the established schedule.

Comments:

A-9/10

Compliance Schedule Certification Statement

The following compliance schedule must be certified by a Qualified professional and reviewed by an authorized representative of the Industrial User.

An authorized representative may be:

A. A principal executive officer of at least the level of Vice-President (if the Industrial User submitting the report is a Corporation).

B. A general partner or proprietor if the Industrial User submitting the report is a partnership or sole proprietorship, respectively.

Compliance Schedule Certification Statement:

We declare that we have examined this report and to the best of our knowledge and belief that it is true, correct, and complete.

Certified by: _____ Date: __/__/__
Title: _____
(Qualified Professional)

Certified by: Tony Mays Date: 5/7/2010
Title: Executive Director of Technology
(Authorized Representative)

A-10/10

Owned by the Citizens of Jonesboro

Industrial Wastes Discharge Permit
Permit Number: 84-09

COPY

In compliance with the provisions and conditions of the City of Jonesboro Ordinance Number 3126 and also with any applicable provisions of Federal or State of Arkansas laws or regulations, and with all applicable Jonesboro City Water and Light regulations:

Delta Consolidated Industries, Inc.
P. O. Box 1846
4800 Krueger Drive
Jonesboro, Arkansas 72403-1846

is authorized to discharge industrial wastes from activities classified by NAIC code 33243 from the premises located at the above address into Jonesboro City Water and Light's Wastewater Collection System in accordance with the application for permit submitted to CWL on November 6, 2006, effluent limitations, monitoring requirements, and conditions set forth in Parts I, II, III, and IV hereof.

This permit shall become effective July 1, 2007.

This permit and its authorization to discharge shall expire at midnight, June 30, 2012.

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 City Water & Light Plant, and provisions furnishing the new owner with a copy of the existing wastewater discharge permit.

Signed this 29th day of June 2007.

Jake Rice, III, P.E.
General Operations Director

Ronald L. Bowen, MANAGER
CITY WATER AND LIGHT • 400 East Monroe • P.O. Box 1289 • Jonesboro, Arkansas 72403-1289 • 870/935-5581

B-1/15

Part I. Effluent Limitations- Process

CORRECTED COPY

Total Wastewater Flows

Average Daily Total Wastewater Flow	200,000	GPD
Maximum Daily Total Wastewater Flow	250,000	GPD

Process Wastewater Flows

Average Daily Process Wastewater Flow	180,000	GPD
Maximum Daily Process Wastewater Flow	200,000	GPD

Pollutant Discharge Limitations for Process Wastewater:

As an industry discharging process wastewater regulated by national Categorical Pretreatment Standards for Existing Sources (40CFR 433.15), the City of Jonesboro Ordinance Number 3126, with any other applicable provisions of Federal or State of Arkansas law or regulation, and with any applicable Jonesboro City Water and Light regulation. Wastewater is discharged continuously from this outfall.

This outfall shall be monitored for the following listed pollutants:

	Maximum		Sample	
Parameter, unit	Any one day	Monthly Average	Frequency {4}	Type
Flow {5}	200,000	180,000	Daily	N/A
pH, SU	6-11.5 {2}	N/A	1/month	Grab
Temperature, F	150 {2}	N/A	1/month	Grab
FOG, mg/L	100 {3}	N/A	1/month	Grab
Cadmium, mg/L	0.69 {1}	0.26 {1}	1/month	24 Hr TC*
Chromium, mg/L	2.77 {1}	1.71 {1}	1/month	24 Hr TC*
Copper, mg/L	3.38 {1}	2.07 {1}	1/month	24 Hr TC*
Lead, mg/L	0.69 {1}	0.43 {1}	1/month	24 Hr TC*
Nickel, mg/L	3.98 {1}	2.38 {1}	1/month	24 Hr TC*
Silver, mg/L	0.43 {1}	0.24 {1}	2/year	24 Hr TC*
Zinc, mg/L	2.61 {1}	1.48 {1}	1/month	24 Hr TC*
Cyanide, mg/L	1.20 {1}	0.65 {1}	2/year	Grab
TTO, mg/L	2.13 {1}	N/A	2/year	Grab

*TC= Time composited sample

{1} Process Wastewater per 40 CFR 433.15 (applied through technology transfer)

{2} Local Sewer Use Ordinance

{3} Maximum allowed without paying excessive FOG (Fats, Oils, and Grease) penalty or excessive strength surcharge (BOD/TSS)

{4} CWL will use its discretion pertaining to sampling frequency in accordance to Part II, #5 of the Industrial Waste Discharge Permit.

{5} Flow is based on the total flow measured by CWL water meter.

Part I Effluent Limitations- Process

Total Wastewater Flows		
Average Daily Total Wastewater Flow	200,000	GPD
Maximum Daily Total Wastewater Flow	250,000	GPD

Process Wastewater Flows		
Average Daily Process Wastewater Flow	180,000	GPD
Maximum Daily Process Wastewater Flow	200,000	GPD

Pollutant Discharge Limitations for Process Wastewater:
As an industry discharging process wastewater regulated by national Categorical Pretreatment Standards for Existing Sources (40CFR 433.15), the City of Jonesboro Ordinance Number 3126, with any other applicable provisions of Federal or State of Arkansas law or regulation, and with any applicable Jonesboro City Water and Light regulation. Wastewater is discharged continuously from this outfall.

This outfall shall be monitored for the following listed pollutants:

	Maximum				Sample	
Parameter, unit	Any one day		Monthly Average		Frequency {5}	Type
Flow {6}	200,000		180,000		Daily	N/A
pH, SU	6-11.5	{3}	N/A		1/month	Grab
Temperature, F	150	{3}	N/A		1/month	Grab
FOG, mg/L	100	{4}	N/A		1/month	Grab
BOD5, mg/L	250	{3,4}	N/A		1/month	24 Hr TC*
TSS, mg/L	250	{3,4}	N/A		1/month	24 Hr TC*
Cadmium, mg/L	0.69	{1}	0.26	{1}	1/month	24 Hr TC*
Chromium, mg/L	2.77	{1}	1.08	{2}	1/month	24 Hr TC*
Copper, mg/L	3.38	{1}	2.07**	{1}	1/month	24 Hr TC*
Lead, mg/L	0.69	{1}	0.43	{1}	1/month	24 Hr TC*
Nickel, mg/L	3.98	{1}	1.03	{2}	1/month	24 Hr TC*
Silver, mg/L	0.43	{1}	0.24	{1}	2/year	24 Hr TC*
Zinc, mg/L	2.61	{1}	1.48	{1}	1/month	24 Hr TC*
Cyanide, mg/L	1.20	{1}	0.65	{1}	2/year	Grab
TTO, mg/L	2.13	{1}	N/A		2/year	Grab

*TC= Time composited sample
** Copper monthly average limit revised 10/03/2001

{1} Process Wastewater per 40 CFR 433.15 (applied through technology transfer)

{2} Technically Based Local Limit. TBLLs may be re-evaluated and revised by CWL as needed.

{3} Local Sewer Use Ordinance

{4} Maximum allowed without paying excessive FOG (Fats, Oils, and Grease) penalty or excessive strength surcharge (BOD/TSS)

{5} CWL will use its discretion pertaining to sampling frequency in accordance to Part II, #5 of the Industrial Waste Discharge Permit.

{6} Flow is based on the total flow measured by CWL water meter.

Part II. Monitoring Requirements.

CORRECTED COPY

1. Delta Consolidated Industries, Inc. shall, within 30 days of the effective date of this permit, provide a sampling access facility on their process wastestreams at a location before it has mixed with other waste streams from its premises. The location, equipment, and configuration contained in the sampling access facility shall be as approved by the CWL Laboratory Supervisor.

2. 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 the Arkansas Department of Environmental Quality (ADEQ). Analyses shall be in accordance with 40 CFR 136, as amended.

3. Delta Consolidated Industries, Inc. shall pay to CWL the costs of required sampling and analysis at rates set forth in the attached Schedule of Charges (Part IV) for Sampling and Analysis.

4. Delta Consolidated Industries, Inc. may, upon their request, obtain a portion of the samples for their analyses. Only authorized CWL personnel shall perform splitting of samples.

5. The frequency of sampling shall be as indicated in Part I (above) unless the results of monitoring indicate the need, as determined by CWL, for more or less frequent sampling. The frequency of compliance monitoring for categorical or significant industries shall be in no case less than that required by 40 CFR 403.12 (twice per year). Samples shall be 24 hour composite or grab samples in accordance with 40 CFR 136.

   Samples shall be taken on production and/or cleanup days. Days on which samples are taken may be varied and shall be determined by the CWL Laboratory Supervisor.

6. Delta Consolidated Industries, Inc. 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 CWL Manager or to their designated representative.

7. Delta Consolidated Industries, Inc. shall maintain records of all information resulting from any monitoring activity for a period of three years and shall make such records available for inspection and copying by CWL. This period of retention shall be extended as requested by CWL.

8. Delta Consolidated Industries, Inc. sampling point shall be Outfall Number 001.
   Delta Consolidated Industries, Inc. effluent shall consist of process wastewater. The sampling facility shall be located immediately north of Krueger Drive, outside the main facility, upstream from Delta Consolidated Industries, Inc.'s sanitary sewer connection with the POTW. 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 can be used to pace CWL sampling devices. CWL retains the right to require a flow-measuring device to be installed.

9. A Toxic Organic Management Plan is required where the possibility of EPA priority pollutants entering the process waste stream exists. It provides methods for the reduction of toxics in effluents and assists industrial facilities in achieving compliance with Categorical Pretreatment Standards. A TOMP is required when industrial users wish to certify (in lieu of TTO testing) that no toxic pollutants are being discharged from their facility.

Part II. Monitoring Requirements.

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5. The frequency of sampling shall be as indicated in Part I (above) unless the results of monitoring indicate the need, as determined by CWL, for more or less frequent sampling. The frequency of compliance monitoring for categorical or significant industries shall be in no case less than that required by 40 CFR 403.12 (twice per year) or 40 CFR 433. Samples shall be 24 hour composite or grab samples in accordance with 40 CFR 136.

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Part II. Monitoring Requirements (Cont'd)

Sample Toxic Organic Management Plan (TOMP) Outline
Step 1. Process engineering analysis should consist of:

a. An examination of published reports on the 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 material potentially enters;
d. Comparison of the toxics found in the 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 materials impurities contributing inorganic pollutants.

Step 2. Pollutant control evaluation should be determined on a case-by-case basis and may include:
a. In plant process modification, including chemical substitution, partial or complete recycling, reuse, neutralization, ion exchange, or operational changes.

Step 3. Toxics reduction evaluation report is submitted to the Control Authority (CWL) and contains:
a. Identification of source(s) of pollutant(s).
b. Control options explored.
c. Effectiveness of control options in meeting effluent limits.
d. Industrial user's choice of options and the projected schedule for meeting control.

10. In requesting that no monitoring be required, industrial users of POTWs shall submit a Toxic Organic Management Plan (TOMP) that specifies to the control authority's (CWL) satisfaction, the toxic organic compounds used; the method of disposal used instead of dumping, such as reclamation, contract hauling, or incineration; and procedures for assuring that toxic organics do not routinely spill or leak into the wastewater.

To qualify for the waiver for the monitoring of TTO, each time compliance monitoring for TTO is to be performed by CWL, the permit holder shall provide the following certification.

Any time CWL finds that Delta Consolidated Industries, Inc. certification in lieu of monitoring TTOs does not satisfy requirements for TTO monitoring, CWL will perform sampling for TTO analysis and transport the samples to a commercial laboratory, selected by CWL for TTO analyses. The laboratory shall report results of TTO analyses to both CWL and Delta Consolidated Industries, Inc. Delta Consolidated Industries, Inc. shall pay all costs incurred for TTO analyses.

Notes:

- CWL will notify the permitee when routine TTO monitoring is scheduled.

- Unscheduled TTO monitoring will be performed in the event of POTW upsets.

The following page contains the certification statement.

Total Toxic Organics Certification Statement

Based on the inquiry of the person, or persons, directly responsible for managing compliance with the permit limitations, or pretreatment standards for total toxic organics (TTO), I certify that 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.

_____ __/__/__
(Signature and Date)

_____
(Typed Name)

_____
(Title of Authorized Representative)

Corporate Acknowledgment
State of Arkansas }
County of _____}

Before me, the undersigned authority, on this day personally appeared _____ of Majestic Metals, Inc., 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 _____, 200__.

_____
Notary Public in and for:

_____
County, Arkansas.

My commission expires: __/__/__.

B-7/15

Part III. Conditions of Permit

1. Delta Consolidated Industries, Inc. shall pay an annual permit fee to CWL in the amount of $640.68. This fee represents the permittees pro rata share of the costs incurred by CWL to administer CWLs Industrial Pretreatment Program.

2. The CWL Laboratory Supervisor shall approve plans and specifications for monitoring access facilities and for pretreatment facilities.

3. Delta Consolidated Industries, Inc. shall notify the CWL dispatcher immediately via telephone (870.935.5581), once aware of any spill and/or slug loading (any unusual discharge) of any pollutant released to the CWL wastewater collection system in such strength and/or volume to cause interference to CWL's POTWs, conditions hazardous to the public, and/or the environment. Immediate, appropriate action shall be taken by Delta Consolidated Industries, Inc. to mitigate any adverse effects of spill and/or slug loadings.

4. Accidental Discharge (Spill)/Slug Control Plans

   The manager of City Water and Light Plant may require an industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years the Manager shall evaluate whether the user needs to develop such a plan. Any Industrial user required to develop and implement such a plan shall submit a plan, which addresses, at a minimum, the following:

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

   b) Description of stored chemicals;

   c) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Sections 10.04.06 of the Jonesboro Municipal Code Sewer Use 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 for emergency response.

   Delta Industrial Spill Response Plan was approved on June 29, 2007. It is included in Appendix A.

5. Delta Consolidated Industries, Inc. shall notify the CWL Laboratory Supervisor, in advance, in writing, of any change in production or treatment processes which would significantly affect either the volume or character of the wastewater discharged to the CWL Wastewater collection system. CWL Laboratory Supervisor must be notified, in writing, when there is a change in pretreatment contact personnel at Delta Consolidated Industries, Inc.

6. Documentation shall be maintained by Delta Consolidated Industries, Inc. of the disposal of sludges or other materials classified as hazardous wastes by a method and a site approved by appropriate State of Arkansas and Federal Regulatory Agencies.

7. Delta Consolidated Industries, Inc. shall, in compliance with 40 CFR 403.12 (p) (1), notify the EPA Region VI Hazardous Waste Division, in writing, of discharges into the POTW of any substance(s), which, if otherwise disposed, would be a hazardous waste as classified by 40 CFR 261.

Part III. Conditions of Permit (Cont'd)

8. For the purpose of determining whether the Jonesboro Municipal Code and applicable CWL regulations and/or any permit or order issued there under is being met and whether Delta Consolidated Industries, Inc. is complying with all requirements thereof, the CWL Manager and/or their designated representatives shall have access to production, materials storage, and wastewater pretreatment areas of its plant. Such access shall include 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.

9. Delta Consolidated Industries, Inc. shall retain, for a minimum of three (3) years, all records of wastes discharge monitoring activities and results and shall make such records of monitoring available for inspection and copying by the CWL Manager and/or their designated representative. Access shall be made during production and/or cleanup shifts.

10. General Prohibitions

A User may not introduce into a POTW any pollutant(s), which cause pass-through or interference. These general prohibitions apply to each user introducing pollutants into a POTW whether or not the user is subject to other National Pretreatment Standard or any National, State or local Pretreatment requirements.

11. Specific Prohibitions

In addition to the General Prohibitions listed above, the following pollutants may not be introduced into a POTW:

a) 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°F (60°C) using the test methods specified in 40 CFR 261.21.

b) Pollutants that cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than 5.0 SU.

c) Solid or viscous pollutants in amounts that will cause obstruction to the flow in the POTW resulting in Interference.

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

e) Temperatures in amounts that will inhibit biological activity in the POTW resulting in interference, but in no case temperatures in such quantities that the temperature at the POTW exceeds 40°C (104°F).

f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.

g) 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 as designated by the POTW.

Part III. Conditions of Permit (Cont'd)

12. Significant Violations

In accordance with 40 CFR 25 in the enforcement of national pretreatment standards, a significant violator's name will be published annually in the largest daily newspaper in the municipality. An industrial user 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 sixty-six percent or more of all of the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements taken during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC= 1.4 for BOD, TSS, and FOG and 1.2 for all other pollutants except pH).

c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority (CWL) 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 40 CFR 403.8 to halt or prevent such a discharge.

e) Failure to meet, within 30 days after a schedule date, a compliance schedule milestone or enforcement order for starting construction, completing construction, or attaining final compliance.

f) Failure to provide, within 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 schedules.

g) Failure to accurately report noncompliance.

h) Any other violation or group of violations that the Control Authority determines will adversely affect the operation and implementation of the pretreatment program.

13. Delta Consolidated Industries, Inc. shall be subject to applicable civil and criminal penalties for violations of pretreatment standards and requirements and provisions and conditions of this permit as provided for by the Arkansas State Statutes, the Jonesboro Municipal Code Sewer Use Ordinance, and all applicable Jonesboro City Water & Light regulations. Current statutes allow for maximum fines of $1,000.00 per day per violation.

Part III. Conditions of Permit (Cont'd)

14. Emergency Suspensions

The Manager of City Water and Plant may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Manager may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

(a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Manager of City Water and Light Plant shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Manager shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Board of Directors of City Water and Light Plant that the period of endangerment has passed, unless the termination proceedings set forth in Section 10.04.14 (7) of the Jonesboro Municipal Code Sewer Use Ordinance, are initiated against the user.

(b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Manager of City Water and Light Plant, prior to the date of any show cause or termination hearing under Sections 10.04.14 (3) and 10.04.14 (7) of the Jonesboro Municipal Code Sewer Use Ordinance.

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 in Section 10.04.09 (6) of the Jonesboro Municipal Code Sewer Use Ordinance, any user that violates the following conditions of this ordinance, wastewater discharge permits, or orders issued hereunder, 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 characteristics prior to discharge.

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.

(e) Violation of the prohibited discharge standards in Section 10.04.06 (1) above.

Such user will be notified by the Manager of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.04.14 (3) of the Jonesboro Municipal Code Sewer Use Ordinance why the proposed action should not be taken.

16. Wastewater Discharge Permit Transfer

Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least thirty (30) days advance notice to the Manager of the City Water & Light Plant and the Manager approves the wastewater 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/operator has no immediate intent to change the facility's operations and process,

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 permit void on the date of the facility transfer.

17. This permit may be reopened by CWL anytime during the permits effective dates for revisions in limitations, conditions, monitoring, and/or reporting requirements.

Part IV. Schedule of CWL Laboratory Charges

Annual Industrial Pretreatment Permit Fee= $640.68 ($53.39 per month)

Excessive Strength Surcharge Formula:

$S = (V_{WW})(8.34)(C_{BOD}\,(BOD-250)+C_{SS}\,(TSS-250))$

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_{BOD} = Charge per pound of BOD ($0.087 per pound)
C_{SS} = Charge per pound of TSS ($0.087 per pound)
BOD = Biochemical Oxygen Demand
TSS = Total Suspended Solids

Excessive Fats, Oils, and Grease (FOG) Penalty Formula:

$P = (V_{WW})(8.34)(C_{FOG}\,(FOG-100))$

Where: P = Penalty in dollars
V_{WW} = Volume of wastewater in millions of gallons
8.34 = Weight in pounds of one gallon of water
C_{FOG} = Charge per pound of FOG ($0.256 per pound)
FOG = Fats, Oils, and Grease

CWL Laboratory Sampling and Analysis Fees

Biochemical Oxygen Demand (BOD)	$	22.55
Chemical Oxygen Demand (COD)	$	22.55
Fats, Oils, and Grease (FOG)	$	27.68
pH	$	7.18
Total Suspended Solids (TSS)	$	10.25
Metals (Flame AA/per metal)	$	10.25
Metal digestion (per sample)	$	10.25
Ammonia nitrogen	$	17.43
Sample/Flow meter Rental (per day)	$	55.35
Grab Sample Collection (per day)	$	15.38
Cyanide	$	Set by contract lab
Contract Laboratory	$	Set by approved lab (per analyte)

Charges are subject to revision. At a minimum, Permit Fees, Surcharges, Penalties 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. 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.

Delta Consolidated Inc. Fact Sheet

Updated March 7, 2011

Permit Number - 8409
Site Address/ Mailing Address
4800 Krueger Dr.
Jonesboro, AR.72401
Contact: Matt Somers
Phone:
(870) 268.2640

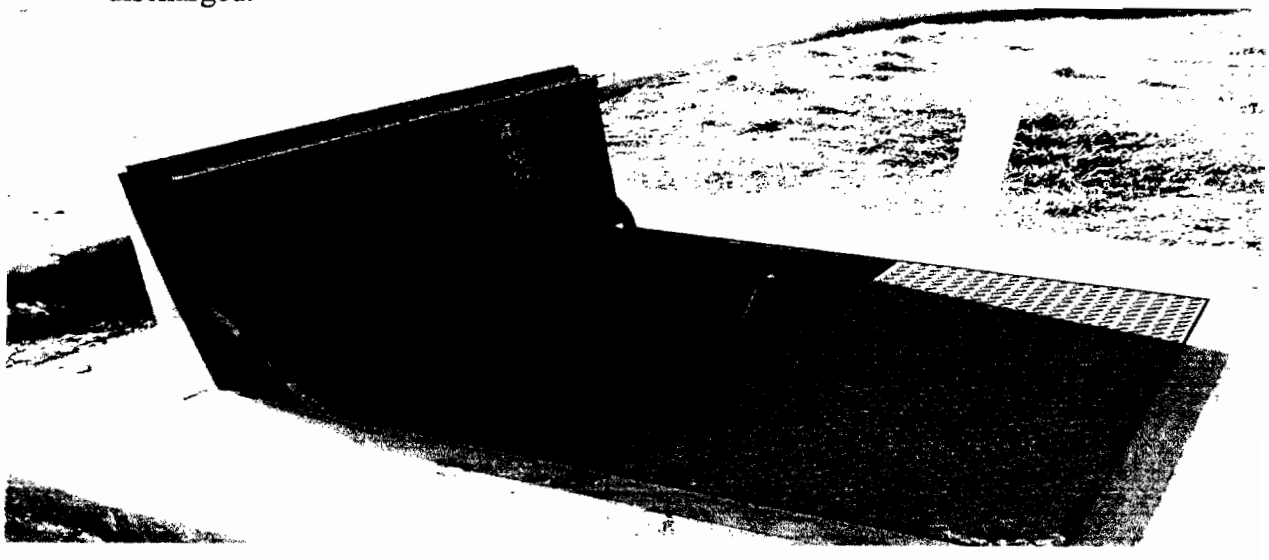
Permit Effective Date: 07/01/07
Permit Expiration Date: 06/30/12
Number of Employees: 200
E-mail Address:
matthew.somers@danahertool.com

Effluent Limitations/Monitoring Frequency

Parameter, unit	Any one day	Monthly Average	Frequency
pH, SU	6-11.5	N/A	1/month
Temperature, F	150	N/A	1/month
FOG, mg/L	100	N/A	1/month
Cadmium, mg/L	0.69	0.26	1/month
Chromium, mg/L	2.77	1.71	1/month
Copper, mg/L	3.38	2.07	1/month
Lead, mg/L	0.69	0.43	1/month
Nickel, mg/L	3.98	2.38	1/month
Silver, mg/L	0.43	0.24	2/year
Zinc, mg/L	2.61	1.48	1/month
Cyanide, mg/L	1.20	0.65	2/year
TTO, mg/L	2.13	N/A	2/year

(1) Sampling Location/Pretreatment

Delta Consolidated Industries, Inc. effluent shall consist of process wastewater. The sampling facility shall be located immediately north of Krueger Drive, outside the main facility, upstream from Delta Consolidated Industries, Inc.'s sanitary sewer connection with the POTW. Delta does not have a pretreatment system. They pH adjust acid and alkaline cleaners as they are discharged.



B-14/15

(2) Industrial Processes.

Delta Inc. is a Categorical Industry classified as a Metal Finisher subject to National Pretreatment Standards and has been monitored since the induction of the Pretreatment Program by CWL in 1984. Delta manufactures approximately 60 models of toolboxes for use in pickup trucks and at construction sites. Processes involved in the operation include stamping, forming, blanking, grinding, welding, parts cleaning, painting, assembly, and packaging.

(3) Principle Product(s) and Raw Material(s). (Describe all)

Principle Products(s): Tool Boxes
Raw Material(s): Cold Rolled Steel, corrugated products, Liquid Paint, and Powder Paint.

(4) Flow Rate. (Indicate the average daily volume.)

(A) Process wastewater flow rate.
180,000 gpd (continuous)

(B) Non-process wastewater flow rate.
20,000 gpd (continuous)

(5) Pretreatment Standards.

Is the SIU subject to categorical pretreatment standards?
Yes, (Metal Finisher 40CFR PART 433.15 Existing Source)

(6) Has the SIU caused or contributed to any problems (e.g., upsets, interferences) at the treatment works in the past three years? No.

(7) Is the SIU currently involved in any P2 activities and/or procedures?

(X) Spill and Leak Prevention Procedures.
Explain: All procedures are part of the storm water plan.

(X) Employee Training.
Explain: All employees are trained on spill plan, hazardous waste plan.

(X) Recycle Paper, Aluminum, Boxes, and Pallets.
Explain: All of IU's recyclables goes to Hummelstien's.

(X) Recycle Waste Oil, Solvents, and Lubricants.
Explain: Safety Kleen takes IU's waste oil and lubricants.

Notes:

- Permit was revised in 2008 to remove TBLL and 40 CFR 433 reference.
- Spill Control Plan was approved 7/7/09.
- TOMP was approved 5/12/09.

City Water & Light
400 E. Monroe Avenue
PO Box 1289
Jonesboro, Arkansas 72403-1289

February 1, 2011

Delta Consolidated Industries, Inc.
Attn: Matt Somers
P.O. Box 1846
Jonesboro, AR. 72403-1846

Re: Pretreatment Inspection

Permit No.: 84-09

Dear Mr. Somers:

On September 27, 2010, CWL performed a routine pretreatment compliance inspection of your facility in accordance with the CWL Pretreatment Program and the Jonesboro Sewer Use Ordinance. This inspection revealed that you are in compliance with the terms of your permit.

Take note of any comments or minor deficiencies contained in this inspection report. **PLEASE NOTE THAT ANY REQUIRED RESPONSES ARE DUE THIRTY DAYS UPON RECIEPT OF THIS INSPECTION REPORT. FAILURE TO RETURN ANY OF THE REQUIRED RESPONSES BEFORE THE DEADLINE WILL RESULT IN A NOTICE OF VIOLATION.**

If I can be of any assistance, please contact me at 870.935-5581 Ex. 493.

Sincerely,

Jody W. Gibson
CWL Pretreatment Specialist

C-1/7

Industrial Inspection Report

Inspection date and time: 09/27/2010 @ 3:15 P.M.

Investigators: Jody W. Gibson, Myra Taylor
Report completed by:
Report reviewed by:

Section I Facility Information. (Complete during interview)

01. Industry (IU) name: Delta Consolidated Industries
02. Site address: 4800 Krueger Drive
03. Correspondence address: P.O. Box 1846
City/ State/ ZIP: Jonesboro, AR 72403-1846
04a. Is the IU subject to National Categorical Standards? Yes
04b. If yes to 4a, which standards: Metal finishing
05. This IU discharges to which CWL POTW:
- Eastside Wastewater Treatment Facility

06. CWL pretreatment program permit number:
- 84-09

07. IU NAIC codes:
- 33243

08. Number 1 IU Contact: Matt Somers
Title: Manager of Safety & Plant Engineer
Phone number: 870.268.2640
E-mail address: matt.somers@danahertool.com
09. Number 2 IU Contact: Scott Wishart
Title: Director of Operations
Phone number: 870.268.2612
E-mail address: scott.wishart@danahertool.com

10. Signatory authority: Scott Wishart
Title: As above
11. Corp. environmental contact: None

12. IU Production days:
- Monday to Friday

13. Number of shifts and hours:
- (1st) 6-4:30

14. Number of employees:
- Total: 200
- Production: 180
- Administrative: 20

C-2/7

15. Seasonal variations:
    - None
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? Yes
        - Does CWL have a copy in the IU's file of this plan? Yes
        - Is there a potential for a direct chemical spill into the sewer at any location adjacent to a wastestream? No
        - Is there a sign posted in the chemical storage/use areas as to whom to notify in the event of a spill? Yes.
        - Assessment of spill containment areas: Adequate

17. Assessment of spill containment areas/TOMP Requirements:
    c. Does the IU generate hazardous waste?
        - Yes. IU is a small quantity generator of hazardous waste.
    d. Does the IU have manifests of their hazardous wastes disposal?
        - Yes.
    c. Did the inspector review the manifests?
        - N/A
    d. Does the IU have a Total Toxic Organic (TTO) limit in their permit?
        - Yes.
    e. How does the IU report TTO?
        - Certification Statement.
    f. Does the IU have a TOMP plan, (if yes list the date of the last revision.)?
        - Yes/2009.
    g. Is the TOMP followed as written?
        - Yes

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?
    - No
02. Describe the IUs processes which generate regulated wastestreams:
    - Stamping, forming, blanking, grinding, welding, cleaning, painting, and assembling sheet metal products.
03. What are the raw materials and chemicals used in the above processes?
    - Steel, paint, and aluminum products.
04. What are the pollutants generated in the IUs processes?
    - Soluble and insoluble metal particles as well as chemicals used to prepare toolboxes for painting.
05. Attach a copy of the floor plan to this document.
    - On File.
06. Describe the location and type of the sampling facility:
    Sampler is located
    - N35° 48'49. 3"
    - W90° 38'21. 4"

C-3/7

Pretreatment Systems (If no system, go to Section III.)

- Describe the pretreatment system:

Delta does not have a pretreatment system. They pH adjust acid and alkaline cleaners as they are discharged.

III. Facility File Review.

01. When does the current facility permit expire?
    - June 30, 2012.
02. Does the IU contact understand the facility's permit?
    - Yes
03. Does the contact have any questions or comments?
    - No
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.

IV. National Pollutant Discharge Elimination System (NPDES) Information

01. Does the IU possess an NPDES permit? No.
02. Inform the IU that an NPDES permit may be required if there is any wastewater generated directly discharged to the waters of the state of Arkansas.
    - IU informed verbally during inspection.

Section V. Pollution Prevention (P2)

01. Does this facility practice Pollution Prevention?
    - Yes.
02. Does this facility have a written Pollution Prevention Plan
    - Yes, part of Storm water PPP.
03. Are there any incentive programs offered to employees to reduce pollution/ wastes?
    - Yes, IU has an associate improvement process by whereby associates may submit suggestions on any topic relating to safety, quality, delivery, or cost.
04. Check any of the following Pollution Prevention Activities that may apply.

(X) Spill and Leak Prevention Procedures.
Explain: All procedures are part of the storm water plan.

( ) Water Reuse.
Explain: N/A.

( ) Cost Accounting to track savings.
Explain: N/A.

( ) Inventory Control.
Explain: N/A

(X) Employee Training.
Explain: All employees are trained on spill plan, hazardous waste plan.

C-4/7

( ) Spent Solvent Reclamation.
Explain: N/A

(X) Recycle Paper, Aluminum, Boxes, and Pallets.
Explain: All of IU's recyclables goes to Hummelstien's.

(X) Recycle Waste Oil, Solvents, and Lubricants.
Explain: Safety Kleen takes IU's waste oil and lubricants.

V. Inspection Results:

- On September 27, 2010, Myra Taylor and I met with Matt Somers of Delta to conduct annual pretreatment inspection.
- No violations were found during this inspection.

VII. Required Responses:

- None.

C-5/7

Chemical Storage Area(s)		
Does the facility have a designated chemical storage area? ☒Yes ☐No ☐N/A		
Did the Industrial Inspector inspect the Chemical Storage Area? ☒Yes ☐No ☐N/A		
Describe Location of Chemical Storage Area	Does it contain Floor Drains?	4if yes Discharges to?
1.Hazardous Waste Storage	☐Yes ☒No	☐ Pretreatment ☐ Sanitary Sewer ☐ Storm Sewer
2.Paint Storage	☐Yes ☒No	☐ Pretreatment ☐ Sanitary Sewer ☐ Storm Sewer
3.	☐Yes ☐No	☐ Pretreatment ☐ Sanitary Sewer ☐ Storm Sewer
4.	☐Yes ☐No	☐ Pretreatment ☐ Sanitary Sewer ☐ Storm Sewer
5.	☐Yes ☐No	☐ Pretreatment ☐ Sanitary Sewer ☐ Storm Sewer
6.	☐Yes ☐No	☐ Pretreatment ☐ Sanitary Sewer ☐ Storm Sewer

Does the Chemical Storage Area contain any of the following Control Mechanisms? (4if yes)	
☒ Dikes, Berms for Containment	☐ Plugs for Floor Drains
☒ Secondary Tanks for Holding	☐ Premix (low) Concentrations
☐ Alarms	☒ Chain restraints, limited access
☒ Spills Control Kits for Cleanup	☐ Notification Procedures
☐ Chemical desegregation within Storage Area	☐ Other
Chemical Inventory List (MSDS) on file? ☒Yes ☐No ☐N/A	
Were any new MSDS reviewed during the Inspection? ☐Yes ☒No ☐N/A	
If yes, list below:	

Chemical storage comments (type chemicals, handling procedures, usage, controls...)

C-6/7

CWL

Inspection Verification

Name (print): Matthew Somers

Signature: [signature]

Company: Delta Consolidated Two, Inc.

Date: 9/27/10

C-7/7

CWL

Owned by the Citizens of Jonesboro

The Industrial Wastes Discharge Permit
Permit Number: 93-02
PERMIT MODIFICATION

In compliance with the provisions and conditions of the City of Jonesboro Ordinance Number 3126 and also with any applicable provisions of Federal or State of Arkansas laws or regulations, and with all applicable rules and regulations of City Water & Light Plant of the City of Jonesboro, Arkansas ("CWL"):

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

Hereby known as the Permittee, is authorized to discharge industrial wastes from activities classified by SIC Code 2043 from the premises located at the above address into CWL's Wastewater Collection System in accordance with the permit transfer request submitted to CWL on August 8, 2008, effluent limitations. monitoring requirements, and conditions set forth in Parts I, II, III, and IV hereof.

This permit shall become effective February 22, 2011.

This permit and its authorization to discharge shall expire at midnight, February 28, 2013.

Signed this 25th day of February 2011

Jake Rice, III, P.E.
General Operations Director

Ronald L. Bowen, MANAGER
CITY WATER & LIGHT • 400 East Monroe • P.O. Box 1289 • Jonesboro, Arkansas 72403-1289 • 870-935-5581

D - 1/2

Part I. Effluent Limitations

Total Wastewater Flows		
Average Daily Total Wastewater Flow	510,000	GPD
Maximum Daily Total Wastewater Flow	760,000	GPD
Process Wastewater Flows		
Average Daily Process Wastewater Flow	500,000	GPD
Maximum Daily Process Wastewater Flow	750,000	GPD

Pollutant Discharge Limitations for Process Wastewater:
As an industry discharging process wastewater regulated by the City of Jonesboro Ordinance Number 3126 and also with any other applicable provisions of Federal or State of Arkansas law or regulation, and with any applicable Jonesboro City Water and Light regulation, wastewater is discharged continuously from this outfall.

This outfall shall be monitored for the following listed pollutants:

	Maximum			Sample	
Parameter, unit	Any one day	Monthly Average	7-Day Avg.	Frequency {3}	Type
Flow, GPD {4}	750,000	500,000	N/A	Daily	N/A
pH, SU	6-11.5 {1}	N/A		1/month	Grab
Temperature, °F	150 {1}	N/A		1/month	Grab
BOD5, mg/L	250 {1, 2}	N/A		1/month	24Hr TC*
BOD5, lbs/ day	15,000 {1}	7500 {1}	11,250 {1}	1/month	24Hr TC*
TSS, mg/L	250 {1, 2}	N/A		1/month	24Hr TC*
TSS, lbs/ day	4,000 {1}	2,000{1}	3,000{1}	1/month	24Hr TC*
FOG, mg/L	100 {1, 2}	N/A		1/month	Grab

*TC=Time composite

{1} Local Sewer Use Ordinance

{2} Maximum allowed without paying an excessive FOG (Fats, Oils, and Grease) penalty, excessive strength surcharge (BOD_5, TSS), or excessive strength capacity charge

{3} CWL will use its discretion pertaining to sampling frequency in accordance to Part 2, #5 of the Industrial Waste Discharge Permit.

{4} Flow is based on the total flow measured by CWL water meter.

D-2/2

Owned by the Citizens of Jonesboro

Industrial Wastes Discharge Permit
Permit Number: 84-14
Permit Modification

In compliance with the provisions and conditions of the City of Jonesboro Ordinance Number 3126, and with any applicable provisions of Federal or State of Arkansas laws or regulations, and with all applicable rules and regulations of City Water & Light Plant of the City of Jonesboro, Arkansas ("CWL"):

World Color Printing (USA) II Corporation
4708 Krueger Drive
Jonesboro, Arkansas 72401

Hereby known as the Permittee, is authorized to discharge industrial wastes from activities classified by NAIC Code 323110 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 July 28, 2009, effluent limitations, monitoring requirements, and conditions set forth in Parts I, II, III, and IV hereof.

This permit shall become effective October 1, 2009.

This permit and its authorization to discharge shall expire at midnight, September 30, 2014.

Signed this 5th day of January 2010

Jake Rice, III, P.E.
General Operations Director

Ronald L. Bowen, MANAGER
CITY WATER & LIGHT • 400 East Monroe • P.O. Box 1289 • Jonesboro, Arkansas 72403-1289 • 870-935-5581

E - 1/2

CORRECTED COPY

Part I. Effluent Limitations- Process

Total Wastewater Flows		
Average Daily Total Wastewater Flow	150,000	GPD
Maximum Daily Total Wastewater Flow	175,000	GPD

Process Wastewater Flows		
Average Daily Process Wastewater Flow	25,000	GPD
Maximum Daily Process Wastewater Flow	75,000	GPD

Pollutant Discharge Limitations for Process Wastewater:
As an industry discharging process wastewater regulated by best management practices using technology transfer, the City of Jonesboro Ordinance Number 3126 and also with any other applicable provisions of Federal or State of Arkansas law or regulation, and with any applicable Jonesboro City Water and Light regulation, wastewater is discharged continuously from this outfall.

This outfall shall be monitored for the following listed pollutants:

	Maximum				Sample	
Parameter, unit	Any one day		Monthly Average		Frequency {4}	Type
Flow {5}	75,000		25,000		Daily	N/A
pH, SU	6-11.5	{2}	N/A		1/ month	Grab
Temperature, °F	150	{2}	N/A		1/ month	Grab
FOG, mg/L	100	{3}	N/A		1/ month	Grab
BOD5, mg/L	250	{2, 3}	N/A		1/month	24 Hr TC*
TSS, mg/L	250	{2, 3}	N/A		1/month	24 Hr TC*
Cadmium, mg/L	0.11	{1}	0.07	{1}	1/ month	24 Hr TC*
Chromium, mg/L	2.77	{1}	1.71	{1}	1/ month	24 Hr TC*
Copper, mg/L	3.38	{1}	2.07	{1}	1/ month	24 Hr TC*
Lead, mg/L	0.69	{1}	0.43	{1}	1/ month	24 Hr TC*
Nickel, mg/L	3.98	{1}	2.38	{1}	1/ month	24 Hr TC*
Zinc, mg/L	2.61	{1}	1.48	{1}	1/ month	24 Hr TC*
TTO, mg/L	2.13	{1}	N/A		2/ year	Grab

*TC= Time composited sample

{1} Process Wastewater per 40 CFR 433.17 (applied through technology transfer)

{2} Local Sewer Use Ordinance

{3} Maximum allowed without paying excessive FOG (Fats, Oils, and Grease) penalty or excessive strength surcharge (BOD/TSS), or excessive strength capacity charge

{4} CWL will use its discretion pertaining to sampling frequency in accordance to Part II, #5 of the Industrial Waste Discharge Permit.

{5} Flow is based on the total flow measured by CWL water meter.

CWL

Owned by the Citizens of Jonesboro

MONTHLY AVERAGE RESULTS
September 2010
Permit # 8409

DELTA CONS. INDUSTRIES INC.
ATTN: MATT SOMMERS
P.O. BOX 1846
JONESBORO, AR 72403-1846

PARAMETER	30-DAY AVG. PERMIT LIMIT	UNIT	30-DAY AVG. RESULTS	6 MON. STATUS
PH	6.0 - 11.5	S/U	7.600	C
TEMPERATURE	150.000	F	90.000	C
OIL AND GREASE	1000.000	MG/L	19.800	C
CADMIUM	.260	MG/L	.005	C
CHROMIUM	1.710	MG/L	.026	C
COPPER	2.070	MG/L	.091	C
LEAD	.430	MG/L	.049	C
NICKEL	2.380	MG/L	.044	C
ZINC	1.480	MG/L	.083	C
SILVER	.240	MG/L	.000	C
CYANIDE	.650	MG/L	.000	C

RESULTS ACCURATE TO LIMITS AS STATED IN PERMIT
C = COMPLIANT, NC = NON-COMPLIANT, TRC = TECHNIAL REVIEW CRITERIA
SIGNIFICANT VIOLATION, CV = CHRONIC SIGNIFICANT VIOLATION
If you have any questions, please call.

Sincerely,

Myra Taylor
Laboratory Supervisor
10/14/10

F-1/4

CWL

Owned by the Citizens of Jonesboro

DAILY RESULTS
September 2010
Permit # 8409

DELTA CONS. INDUSTRIES INC.
ATTN: MATT SOMMERS
P.O. BOX 1846
JONESBORO, AR 72403-1846

PARAMETER	SAMPLE DATE	DAILY MAXIMUM PERMIT LIMIT	UNIT	DAILY RESULT	6 MON. STATUS
PH	110/09/20	6.0 - 11.5	S/U	7.600	C
TEMPERATURE	110/09/20	150.000	F	90.000	C
OIL AND GREASE	110/09/20	100.000	MG/L	19.800	C
CADMIUM	110/09/20	.690	MG/L	.005	C
CHROMIUM	110/09/20	2.770	MG/L	.026	C
COPPER	110/09/20	3.380	MG/L	.091	C
LEAD	110/09/20	.690	MG/L	.049	C
NICKEL	110/09/20	3.980	MG/L	.044	C
ZINC	110/09/20	2.610	MG/L	.083	C

RESULTS ACCURATE TO LIMITS AS STATED IN PERMIT
C = COMPLIANT, NC = NON-COMPLIANT, TRC = TECHNICAL REVIEW CRITERIA
SIGNIFICANT VIOLATION, CV = CHRONIC SIGNIFICANT VIOLATION
If you have any questions, please call.

Sincerely,

Myra Taylor

Myra Taylor
Laboratory Supervisor
10/14/10

F-2/4

MANAGER

Analytical Methods Used

Parameter	Analytical Method
Ammonia-Nitrogen	4500-NH_3-D
Biochemical Oxygen Demand	5210B
Fats, Oils & Grease	1664
Metals	3111B
pH	4500- H + (b)
Temperature	2550B
Total Suspended Solids	2540 D

F-3/4

Ronald L. Bowen, MANAGER

CWL Chain of Custody, Major Permits

Jonesboro City Water and Light 400 East Monroe Avenue Jonesboro, AR 72403-1289

Ind. Name & Permit No. Delta , 84 - 09 **Sample No.** 100920-8409

Sample Date: 9/20,21/10

Comments: _____

Sampler/ Flow Meter Information
( ) Flow measuring device used:
(X) No flow meter used, sampler set on time, or
(X) All samples are grab.

Meter A	Meter B
2nd	
1st	
Subtotal	
Total (Gallons)	

Wastewater Characteristics: Color: Gray **Visible Oil Film:** ( ) Yes (X) No

(X)	Parameter	Sampled By:	Sampled Time:	Sampled Date:	Analyzed By:	Analyzed Time:	Analyzed Date:	Destroyed By:	Destroyed Date:
X	pH: 7.6 SU, G	JS	1:50 PM	9/20/10	JS	1:52PM	9/20/10	N/A	N/A
X	Temperature: 90 F, G	JS	1:50PM	9/20/10	JS	1:52PM	9/20/10	N/A	N/A
The following samples are preserved @ 4C:									
( )	**BOD5**, ( ) G ( ) C	___	__:__ _M	__/__/__	___	N/A	__/__/__	___	__/__/__
(1) Sample relinquished by: ___ to ___ @ __:__ _M					*(2) Sample relinquished by: ___ to ___ @ __:__ _M*				
( )	**TSS**, ( ) G ( ) C	___	__:__ _M	__/__/__	___	N/A	__/__/__	___	__/__/__
(1) Sample relinquished by: ___ to ___ @ __:__ _M					*(2) Sample relinquished by: ___ to ___ @ __:__ _M*				
( )	**Ammonia nitrogen**, C	___	__:__ _M	__/__/__	___	N/A	__/__/__	___	__/__/__
(1) Sample relinquished by: ___ to ___ @ __:__ _M					*(2) Sample relinquished by: ___ to ___ @ __:__ _M*				
X	**FOG**, G pH (adj<2 w/ 2 ml 1:1 HCl): 1.7SU	JS	1:50 PM	9/20/10	JS	N/A	9/23/10	JS	9/23/10
(1) Sample relinquished by: JS to JS @ 2:30 PM					*(2) Sample relinquished by: ___ to ___ @ __:__ _M*				
The following samples are pH adjusted to: 2 SU(< 2SU with 5ml HNO3) by: JS @ 4:46 ( ) AM (X) PM on 9/27/10									
X	**Cd/Cr/Cu/Ni/Pb/Zn**, T, ( ) G ( ) C	JS	9:43 AM	9/21/10	JS	N/A	9/28/10	JS	9/28/10
(1) Sample relinquished by: JS to JS @ 2:30 PM					*(2) Sample relinquished by: ___ to ___ @ __:__ _M*				
( )	**Silver**, T. ( ) G ( ) C	___	__:__ _M	__/__/__	___	N/A	__/__/__	___	__/__/__
(1) Sample relinquished by: ___ to ___ @ __:__ _M					*(2) Sample relinquished by: ___ to ___ @ __:__ _M*				
( )	**Zinc**, T. ( ) G ( ) C	___	__:__ _M	__/__/__	___	N/A	__/__/__	___	__/__/__
(1) Sample relinquished by: ___ to ___ @ __:__ _M					*(2) Sample relinquished by: ___ to ___ @ __:__ _M*				
( )	_____, T. ( ) G ( ) C	___	__:__ _M	__/__/__	___	N/A	__/__/__	___	__/__/__
(1) Sample relinquished by: ___ to ___ @ __:__ _M					*(2) Sample relinquished by: ___ to ___ @ __:__ _M*				

Revised Copy 3/18/11

TOXIC ORGANIC MANAGEMENT PLAN

Delta Consolidated Industries, Inc.
4800 Krueger Drive, Jonesboro, Arkansas 72401

May 20, 1999
Revised April 9, 2009
Revised Feb. 15, 2011

G-1/5

SYNOPSIS

Delta Consolidated Industries, Inc. currently holds Industrial Waste Water Discharge Permit Number 84-09 effective July 1, 2007. The permit requires that any facility requesting to replace the required Toxic Organic Testing with an in-house certification of control letter must first submit a Toxic Organic Management Plan to the City of Jonesboro (CWL). This TOMP will list all of the products and chemicals used at the facility that contain ingredients found on the EPA Priority Pollutant List. The plan will also include the measures taken to either prevent these pollutants from entering discharge waters or provide pre-treatment before the discharge is released to the POTW.

BACKGROUND

MSDS sheets for every product and chemical used at the facility are constantly reviewed by the EHS Leader for ingredients on the priority pollutant list. The following chemicals present at Delta Consolidated may have ingredients on the EPA List – those chemicals on the Priority Pollutant List are marked with an asterisk:

Process Products and Chemicals

Air Dry Enamel Touch-up Paints (Various Colors)	
Xylene	Up To 40%
Ethylbenzene*	Up To 10%
Toluene*	Up To 10%
Gardoclean S 5219 (Metal Pre-Treatment)	
Tetrapotassium Phosphate	10 - 20%
Tripropylene Glycol Methyl Ether	1 – 5%
CrysCoat 2707 (Metal Pre-Treatment)	
Sodium Nitrate	5 - 10%
Phosphoric Acid	1- 5%
Gardolene D 6871 (Metal Pre-Treatment)	
Ethanol	1 – 5%
Amino Silane	1 – 5%
Mild Steel	
Aluminum	<0.5%
Chromium*	<0.5%
Copper*	<0.5%
Nickel*	<0.5%
Phosphorus	<0.5%

Process Products and Chemicals (Cont.)

Aluminum

Aluminum	>90%
Copper*	<0.2%
Zinc*	<0.1%
Chromium*	<0.4

Non-Process Products and Chemicals

Gasoline

Xylene
Toluene*
Benzene*

Tap Magic Cutting Fluid

1,1,1-Trichloroethane*	90%

Niagara Cutter End Mills

Chromium*	1%

Norton Diamond Grinding Wheels

Copper*
Silver*
Chromium*

American Band Saw Blades

Nickel*	1%

Gumout Carb/Choke Cleaner

Xylene	>90%

Battery Terminal Protector

Xylene	>90%

Ignition Sealer

Xylene	>90%

Epoxy Paint and Hardener for Floors

Xylene
Toluene*
Ethylbenzene*

Non-Process Products and Chemicals (Cont.)

Solvent Based Isoelectric Cleaner

Trichloroethylene*	75%

MANAGEMENT PLAN

Control of Process Products and Chemicals

All pre-treatment chemicals in both paint line washers are neutralized to between pH 6 and 9 before discharge to the sanitary sewer.

The primary metals found in the steel and aluminum are not exposed to a discharge stream until they enter the pre-treatment washers. The parts are cleaned and etched by alkaline or acidic cleaners and pre-coating solutions. A de minims amount of metal is dissolved into the solution during the etching process.

Control of Non-Process Products and Chemicals

Tapping fluids, end mills, grinding wheels, saw blades, engine maintenance products, and isoelectric cleaner are used in the tool room and maintenance shop. These areas have no floor drains whereby these products may discharge to the sanitary sewer or ground water.

Floor paints are used in all areas of the plant. The plant has few floor drains and care is taken around drains so as not to allow a discharge to the sanitary sewer or ground water. Excess paint and solvents are disposed of according to RCRA regulations by a licensed TSDF.

TOXIC CHEMICAL REDUCTION EFFORTS

Delta Consolidated Industries, Inc. is constantly seeking ways to decrease its environmental impact footprint. Recently, the plant discontinued all solvent based painting operations in favor of non-hazardous powder coatings.

Total Toxic Organics Certification Statement

Based on the inquiry of the person or persons directly responsible for managing compliance with the permit limitations or pre-treatment standards for Total Toxic Organics (TTO), I certify that no dumping of concentrated toxic organics into the wastewaters has occurred since the last scheduled compliance monitoring for TTO by Jonesboro City Water and Light (CWL). I further certify that this facility is implementing the Toxic Organic Management Plan submitted to CWL.

_____
Signature

Scott B. Wishart, Director of Operations
Printed Name and Title

Corporate Acknowledgement
State of Arkansas
County of_____

Before me, the undersigned authority, on this day personally appeared Tom S. Rowbotham of Delta Consolidated Industries, Inc. , a corporation know 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 as the act and deed of said corporation.

Given under my hand and seal of office on this _____ day of _____.

Notary Public in and for:_____
County, Arkansas

My commission expires: _____

Return to: Jody W. Gibson, CWL Pretreatment Specialist
400 E Monroe St.
Jonesboro, AR. 72401
870-930-3389
FAX # 870-931-9846

Return By SEPT. 30th

Pretreatment Industrial Slug Control Evaluation

RECEIVED
SEP 30 2008
By

Form delivered on 09/05/08 by JODY GIBSON (CWL Inspector)

Section I. Facility Information.

Facility name: DELTA CONSOLIDATED INDUSTRIES
Facility address: 4800 KRUEGER DRIVE
JONESBORO, AR 72401

Emergency Contact: MATTHEW SOMERS
Title: EHS MANAGER
Work phone: 870-882-1385

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) 250	2) 50	3)___
Shift start time:	1) 0600	2) 1630	3)___
Shift end time:	1) 1530	2) 0300	3)___

   If shift information varies between workdays, please indicate below:
   - N/A

3. Give a brief description of all operations at this facility:
   - MANUFACTURER OF METAL TRUCK AND JOBSITE TOOL STORAGE PRODUCTS AND METAL FUEL TRANSFER TANKS
4. Is the IU subject to National Categorical Standards? (If yes, which standards?)
   - METAL FINISHING

5. Wastewater Discharge Characterization.
   - Include a process description, continuous or batch discharge, frequency, and the constituents of each wastestream:

ALKALINE CLEANERS AND PHOSPHATE TREATING (PHOSPHORIC ACID BASED) SOLUTIONS ARE CONTINUOUSLY DISCHARGED AS AN OVERFLOW FROM EACH WASHER (1-2 GPM). CLEANER STAGES ARE DUMPED TO DRAIN ROUGHLY EVERY 45-90 DAYS DEPENDING ON BATH CHARACTERISTICS. THE WASTE STREAMS ARE WEAK CAUSTIC OR WEAK ACIDIC AQUEOUS SOLUTIONS OIL IS REMOVED BY MECHANICAL SEPARATION

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):
   • SEE SPCC PLAN (ATTACHED)

8. Describe any spill prevention and response training given to employees:
   • SEE SPCC PLAN (ATTACHED)

9. What raw materials and chemicals are stored at this facilty
   • STEEL, ALUMINUM, POWDER PAINT, PHOSPHATE CLEANERS, ACIDIC ETCHING SOLUTIONS

10. Are there any drains in proximity to storage areas?
    • NO

11. Describe the adequacy of containment structures adjacent to storage and transportation areas:
    • SEE SPCC PLAN (ATTACHED

12. Attach a copy of the floor plan to this document.
    • ATTACHED

Notes:
- The floor plan must show the location and flows of all wastestreams.
  - New plan is required if major changes have occurred.

Return to: Jody W. Gibson, CWL Pretreatment Specialist
400 E Monroe St.
Jonesboro, AR. 72401
870-930-3389

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	
☑	☐	Gasoline	☐	☑	Whole Blood	☐	☑	Residue from Pretreatment of Industrial Wastes
☐	☑	Xylene	☐	☑	Hair, Fleshing or Entrails			
☐	☑	Tolulene	☑	☐	Paper Products			
☐	☑	Diesel	☑	☐	Styrofoam/cups	☑	☐	Sludges
☐	☑	Benzene	☐	☑	Biological Oxygen Demanding	☐	☑	Screenings
☑	☐	Naphtha				☑	☐	Storm Water
☐	☑	Kerosene	☐	☑	Chemical oxygen Demanding	☑	☐	Surface Water
☐	☑	Ethers				☑	☐	Ground Water
☑	☐	Alcohols	☐	☑	Temperature > 130° F	☑	☐	Roof Runoff
☐	☑	Fuel Oils	☑	☐	Petroleum Oil	☐	☑	Subsurface Drainage
☐	☑	Swimming Pool Drainage	☑	☐	Non-Biodegradable Cutting Oils	☑	☐	Non-Contact Cooling Water
☐	☑	Aldehydes	☑	☐	Mineral Oils	☐	☑	De-Ionized Water
☐	☑	Peroxides	☐	☑	Toxic/poisonous Solids	☑	☐	Condensate
☑	☐	Chlorates	☐	☑	Toxic/poisonous Gases	☐	☑	Artesian Well Water
☐	☑	Perchlorates	☐	☑	Toxic/poisonous Liquids	☑	☐	Unpolluted Water
☐	☑	Bromates	☐	☑	Noxious or Malodorous	☐	☑	Cooking Oils
☑	☐	Carbides	☐	☑	Dye Wastes	☐	☐	Explosive
☐	☑	Hydrides	☐	☑	Vegetable Tanning	☑	☐	Flammable
☐	☑	Sulfides	☐	☑	Radioactive Wastes	☑	☐	Combustible
☑	☐	Closed Cup Flash Point < 140° F	☑	☐	Hauled or Trucked Liquid Waste	☑	☐	Corrosive Characteristics
☑	☐	pH < 5.0 s.u	☐	☑	Inert Suspended Solids	☑	☐	Detergents
☑	☐	pH > 12.0 s.u.	☐	☑	Fuller Earth	☑	☐	Surfactants
☑	☐	Ashes	☐	☑	Lime Slurries	☑	☐	Ketones
☐	☑	Cinders	☐	☑	Lime Residues	☐	☑	Ground Garbage
☐	☑	Sand	☐	☑	Sodium Chloride	☑	☐	Un-Ground Garbage
☑	☐	Plastic	☐	☑	Sodium Sulfate	☑	☐	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: METAL FINISHING

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: [signature] Date: 04/05/20__

Printed Name and Title: TOM ROWBOTHAM, DIRECTOR OF OPERATIONS

Approved 1/7/07 JA

SPILL PREVENTION, CONTROL, AND COUNTERMEASURE PLAN
DELTA CONSOLIDATED INDUSTRIES, INC. ▪ JONESBORO, ARKANSAS
JONESBORO FACILITY

Prepared by:

Don Gansert ▪ Managing Consultant

TRINITY CONSULTANTS
9777 Ridge Drive
Suite 380
Lenexa, Kansas 66219

Prepared for:

DELTA CONSOLIDATED INDUSTRIES, INC.
4800 Krueger Drive
Jonesboro, Arkansas 72401
(870) 268-2640

January 2008

Trinity Project 071701.0128

Trinity Consultants

H-4/5

TABLE OF CONTENTS

H-5/6

SEWER USE--PRETREATMENT ORDINANCE DOCUMENT

AN ORDINANCE AMENDING CHAPTER 10.04 OF 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, SURCHARGES 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 I.

That Title 10, Chapter 10.04 – Sewer Use – Pretreatment Ordinance of the Jonesboro Municipal Code is hereby amended to read as follows:

10.04.00 – TABLE OF CONTENTS

This ordinance shall be known as the "Sewer Use—Pretreatment Ordinance."

Sections:

(6) Authorized Representative of the Manager. The person appointed or authorized by the Manager to carry out designated responsibilities or functions of the Manager.

(7) 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 10.04.06 (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.

(8) Biochemical Oxygen Demand (BOD_5). 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)].

(9) Board of Directors (Board). The duly elected or appointed Board of Directors (Board) of CWL.

(10) 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.

(11) Building Sewer. The extension from the building drain to the public sewer or other places of disposal.

(12) 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.

(13) Categorical Industrial User (CIU). An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

(14) City. The City of Jonesboro, in the County of Craighead, within the State of Arkansas; or the City Council of the City of Jonesboro.

(15) City Water and Light Plant of the City of Jonesboro, Arkansas (CWL). Shall mean 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.

(16) 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 (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 (BOD_5).

(17) Collector Building Sewer. A sewer on private property which is privately maintained and serves more than one building sewer. Collector building sewers shall be constructed with manholes at grade changes, changes in alignment, and at termini, with pipe having a diameter of at least six (6) inches. Such sewers shall be located outside building walls and footings.

(18) 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.

(19) Combined Sewer. A sewer receiving both surface runoff and sewage.

(20) 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.

(21) 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.

(22) 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.

(23) Council or City Council. The duly elected or appointed governing body of the City.

(24) Daily Discharge. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

(25) 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.

(26) District. City Water and Light Plant of Jonesboro, Arkansas (CWL).

(27) 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.

(28) 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."

(29) Excessive Biochemical Oxygen Demand (BOD_5). A BOD_5 concentration in excess of 250 mg/L.

(30) Excessive fats, oils, and grease (FOG). A FOG concentration in excess of 100 mg/L.

(31) Excessive Total Suspended Solids. A total suspended solids in excess of 250 mg/L.

(32) Garbage. Domestic and commercial solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

(33) 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.

(34) Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source.

(35) Industrial User (IU) or User. A source of indirect discharge to the waters of the State through a POTW.

(36) Industrial Wastes. The liquid wastes from industrial manufacturing processes, trade, or business, ~~as~~ distinct from sanitary sewage.

(37) 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.

(38) Interceptor. A device designed to skim, settle, or otherwise remove fats, oils, grease, sand, flammable wastes, or other harmful substances.

(39) 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.

(40) Lower Explosive Limit. The minimum concentration in air at which a gas or vapor will flame with an ignition source.

(41) 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).

(42) 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.

(43) Mayor. The Mayor of the City.

(44) 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.

(45) 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.

(46) Monthly Average. 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.

(47) National Pollutant Discharge Elimination System (NPDES) Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(48) Natural Outlet. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

(49) 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 10.04.03 (50) (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 ~~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 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.

(50) 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.

(51) Normal Domestic Wastewater. Wastewater generated from residential uses and discharged into the POTW. Such wastewater shall be defined as to contain an average concentration of BOD_5 not more than 250 mg/L; TSS not more than 250 mg/L; and fats, oils, and grease not more than 100 mg/L.

(52) Owner. The person or persons who own any interest in the structure or property to which such ownership relates.

(53) 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.

(54) Penalty. A monetary fine for violations of this ordinance, as set forth in Section 10.04.15.

(55) 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.

(56) pH. A measure of the acidity or alkalinity of a substance, expressed in standard units (S.U.).

(57) 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.

(58) 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.

(59) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on an Industrial User, other than a Pretreatment Standard.

(60) Pretreatment Standards and Requirements or Standards and Requirements. The prohibited discharge standards, Categorical Pretreatment Standards, and Technically Based Local Limits (TBLLs).

(61) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances, as set forth in Section 10.04.06 (1) of this ordinance.

(62) Properly Shredded Garbage. The wastes from preparing, cooking, and dispensing of food shredded to such a degree that all particles ~~will~~ 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.

(63) 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.

(64) Public Sewer. A sewer in which all owners of abutting properties have equal rights, controlled by CWL.

(65) Sanitary Sewer. A sewer which carries sewage and to which stormwater, surface water, and groundwater is not intentionally admitted.

(66) Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(67) Sewage. Human excrement and gray water (household showers, dish washing operations, etc.).

(68) 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.

(69) 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 10.04.06 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.

(70) Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the U. S. Office of Management and Budget.

(71) 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.

(72) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting there from, including snowmelt.

(73) Storm Drain or Storm Sewer. A sewer that carries stormwater, surface water, and drainage, but excludes sewage and industrial waste.

(74) Surcharge. A sewer service fee, as set forth in Section 10.04.18, charged in addition to the normal monthly sewer rate, which may be assessed to those Users who discharge wastewater to the POTW

(75) Surface Water. Any watercourse, pond, stream, ditch, lake, or other body of water occurring on the earth's surface.

(76) 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.

(77) 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.

(78) 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.

(79) Treatment Plant Effluent or Effluent. Any discharge of wastewater from the POTW into the waters of the State.

(80) User or Industrial User (IU). A source of indirect discharge to the waters of the State through a POTW.

(81) 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.

(82) Wastewater Treatment Plant (WWTP) or Treatment Plant. That portion of the POTW designed to provide treatment of sewage and industrial waste.

(83) 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 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.

10.04.04 - 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
BMP	-	Best Management Practice
BOD_5	-	Biochemical Oxygen Demand
CFR	-	*Code of Federal Regulations*
CIU	-	Categorical Industrial User
COD	-	Chemical Oxygen Demand
CWL	-	City Water and Light Plant of the City of Jonesboro
EPA	-	U. S. Environmental Protection Agency
FOG	-	Fats, oils, and grease
gpd	-	Gallons per Day
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
OSHA	-	Occupational Safety and Health Administration
O&M	-	Operation and Maintenance
POTW	-	Publicly Owned Treatment Works
RCRA	-	Resource Conservation and Recovery Act
SIC	-	Standard Industrial Classifications
SIU	-	Significant Industrial User
S.U.	-	Standard Units
SWDA	-	Solid Waste Disposal Act (42 U.S.C. 6901, *et seq.*)
TBLL	-	Technically Based Local Limits
TSS	-	Total Suspended Solids
USC	-	United States Code
WPCF	-	Water Pollution Control Federation
WWTP	-	Wastewater Treatment Plant

10.04.05 - 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 or in any area under the jurisdiction of the City.

(B) It shall be unlawful to discharge to any natural outlet within the, 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 sanitary 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, roof runoff, or subsurface drainage to the POTW.

(G) Stormwater and all other surface runoff shall be discharged to sewers specifically designated as storm sewers or to a natural outlet.

(H) 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 10.04.14 through 10.04.16 of this ordinance.

(I) 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 sanitary sewer is not available under the provisions of Section 10.04.05 (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 plans, specifications, and construction permits approved by the ADH and/or ADEQ. 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 Inspector. 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 of the ADH and/or ADEQ. 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 10.04.05 (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 ~~such~~ 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 statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Craighead County Health Department Environmental Engineer or similar officer.

(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 Users who will discharge industrial process wastes to the POTW, the potential Users 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 User plans to discharge wastewater to the POTW. If the potential Users will be required to obtain a permit, the potential Users shall, pursuant to Section 10.04.08 (4-6) of this ordinance, complete an application for an individual industrial wastewater discharge permit.

(D) The Manager will evaluate applications for individual industrial wastewater discharge permits and determine, pursuant to Section 10.04.08 (7) of this ordinance, whether or not to issue the applicant an individual 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 or condominium on a single lot or tract of land which cannot be subsequently subdivided and sold in parcels. The individual buildings may be connected to a common building sewer provided that only one person is responsible for 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, 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 sanitary sewer.

(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) Persons possessing building sewer permits shall indemnify and hold the City 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.

10.04.06 - 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 (BOD_5, 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 10.04.07 (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 in an individual industrial wastewater discharge permit;

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 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 in an individual industrial wastewater discharge permit 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 10.04.07 in 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 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 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 10.04.06 (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 10.04.06 (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 10.04.06 (7) of this ordinance. The IU must also be in compliance with Section 10.04.17 (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.

Local Limits

No Industrial User shall discharge any water or waste at a concentration that would exceed the concentration of pollutants, including but not limited to, those identified in the "Technically Based Local Limits Development Document," and developed time to time by the Manager and approved by the Arkansas Department of Environmental Quality.

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

The Manager may develop Best Management Practices (BMP's), by Ordinance or in individual wastewater discharge permits or general permits, to implement Local Limits and the requirements of Section 10.04.06 (1).

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

(3) 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.

(4) 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.

(5) 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.

10.04.07 - 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 10.04.06 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 an acceptable discharge 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 over a twenty-four (24) hour period. 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 may be directed only by the Manager. An individual wastewater discharge permit may be issued solely for flow equalization.

(C) FOG and sand interceptors shall be provided when, in the opinion of the Manage, 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 private living quarters or dwelling units.

All interceptors shall be of the type and capacity approved by the Manager, shall 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 and shall be located to be easily accessible for cleaning and inspection. 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. Users shall continuously maintain all interceptors in a satisfactory and effective operation. Storage, handling, transportation, and disposal of all wastes generated from interceptors shall be performed in accordance with all applicable Federal, State, ~~and~~ 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 the 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 10.04.06 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 a receiving structure designated by the Manager and at such times established by the Manager, provided such wastes do not violate Section 10.04.06 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 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 wastes as "industrial septage" into the POTW requires prior approval by CWL. Industrial septage 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 10.04.06 of this ordinance or any other requirements established or adopted by the Board. The Manager may require industrial waste haulers to obtain an individual 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 ~~are~~ 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 fee system, as authorized in Section 10.04.19 (1).

10.04.08 - 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 ~~their~~ 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 Jonesboro 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 10.04.08 (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 Sections 10.04.14 through 10.04.16 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 10.04.08 (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; and details to show all sewers, floor drains, 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 which Sections 10.04.10 (10) and (11) of this ordinance.

(H) 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 10.04.10 (14) (A) of this ordinance and be signed by an Authorized Representative of the Industrial User.

(B) If the designation of an Authorized Representative is no longer accurate because a different individual (or general) 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.

(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, the Manager may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

(1) Involve the same or substantially similar types of operations;
(2) Discharge the same types of wastes;
(3) Require the same effluent limitations;
(4) Require the same or similar monitoring; and
(5) 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 (8) A. (1) to (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.

10.04.09 - 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 10.04.09 (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 the POTW 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, 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 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 10.04.09 (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 10.04.10 (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;

(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.

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.

(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 ~~by~~ to the Manager in accordance with Section 10.04.08 (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.

10.04.10 - 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 10.04.10 (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 10.04.10 (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 10.04.10 (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 which Section 10.04.10 (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 Industrial User's Authorized Representative, as defined in Section 10.04.03 (5) 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 10.04.10 (2) of this ordinance.

viii) Signature and Report Certification.
All baseline-monitoring reports must be certified in accordance with Section 10.04.10 (14) (A) of this ordinance and signed by an Authorized Representative as defined in Section 10.04.03 (5) of this ordinance.

(2) Compliance Schedule Progress Report

The following conditions shall apply to the schedule required by Section 10.04.10 (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 reports 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 10.04.10 (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 10.04.06 (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 Section10.04.10 (14) (A) of this ordinance. All sampling shall be done in conformance with Section 10.04.10 (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 10.04.10 (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 POTW by the procedures prescribed in Section 10.04.10 (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 10.04.08 (5) of this ordinance.

(B) The Manager may issue an individual (or general) wastewater discharge permit under Section 10.04.09 (8) or modify an existing individual (or general) wastewater discharge permit under Section 10.04.09 (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 Significant User'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 Sections 10.04.06 (1) (A-B) of this ordinance], it is the responsibility of the Industrial User to immediately telephone and notify the Manager ~~of City Water and Light Plant CWL~~ 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 ~~of City Water and Light Plant CWL~~, 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 10.04.10 (6) (A) 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 10.04.10 (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 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 10.04.10 (5) of this ordinance. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of Sections 10.04.10 (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.

(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 paragraphs (B) and (C) below, 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 chemicals must be obtained using grab collection techniques.

(C) For sampling required in support of baseline monitoring and 90-day compliance reports required by Sections 10.04.10 (1) and 10.04.10 (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 10.04.10 (4) and 10.04.10 (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.

(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 10.04.06 (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 10.04.08 (6) of this ordinance; Users submitting baseline monitoring reports under Section 10.04.10 (1) (B) (viii) of this ordinance; Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Section 10.04.10 (3) of this ordinance; and Users submitting periodic compliance reports required by Section 10.04.10 (4) (A-D) of this ordinance. The following certification statement must be signed by an Authorized Representative as defined in Section 10.04.03 (5) 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."

10.04.11 - COMPLIANCE MONITORING

(1) Right of Entry: Inspection and Sampling

The Manage 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 10.04.11 (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 effecting 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.

10.04.12 - CONFIDENTIAL INFORMATION

Information and data ~~on~~ 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.

10.04.13 - 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 with applicable Pretreatment Standards and Requirements. An SIU (or any IU in violation of paragraphs (3), (4), or (8) below) 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 limits, as defined by Section 10.04.03 (60) in this ordinance;

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by Section 10.04.03 (60) in this ordinance multiplied by the applicable criteria [1.4 for BOD, TSS, FOG and 1.2 for all other pollutants except pH];

(3) Any other violation of a Pretreatment Standard or Requirement as defined by Section 10.04.03 (60) in this ordinance (daily maximum, long-term average, instantaneous 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 exercise of its 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.

10.04.14 - ADMINISTRATIVE ENFORCEMENT REMEDIES

(1) Notification of Violation

Whenever the Manager or Authorized Representative of the Manage finds that any person or industrial user has violated or is violating this ordinance, an individual (or general) wastewater discharge permit, orders issued hereunder, or any other Pretreatment Requirement, the Manager or Authorized Representative of the Manager may serve upon said person(s) or industrial user(s) 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(s) or industrial user(s) 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(s) or industrial user(s) 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 or industrial user responsible for noncompliance. Such orders may include specific action to be taken by the Person(s) or industrial user(s) to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as the administrative orders issued pursuant to Sections 10.04.14 (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 or 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 person(s) or industrial user(s) 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(s) or industrial user(s) 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 address only, at the address of the person(s) or industrial user(s) 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 10.04.03 (5) and as required by Section 10.04.08 (6) of this ordinance. Whether or not the person(s) or industrial user(s) 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 or 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 person(s) or industrial user(s) responsible for the discharge directing the person(s) or industrial user(s) to come into compliance. If the person or 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 person or 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 person or industrial user.

(5) Cease and Desist Orders

When the Manager or Authorized Representative of the Manager finds that a person or industrial user is in violation of this ordinance, the person or industrial user's individual (or general) wastewater discharge permit, any order issued hereunder, or any other Pretreatment Standard or Requirement or that the person or industrial user's past violations are likely to reoccur, the Manager or Authorized Representative of the Manager may issue an order to the person or industrial user directing the person or 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 person or industrial user.

(6) Administrative Fines

(A) When the Manager or Authorized Representative of the Manager finds that an person or 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 person or 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) Unpaid charges, fines, and penalties shall, after thirty (30) calendar days accrue interest at five percent (5%) above the federal primary credit rate in effect as of the date of the fine. A lien against the person's or industrial user's property shall 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 or industrial user.

(7) Emergency Suspensions

The Manager or Authorized Representative of the Manager may immediately suspend a person's or user's discharge (after informal notice to the User) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Manager or Authorized Representative of the Manager may also immediately suspend a person or 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 person or industrial user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a person's or 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 individuals. The Manager or Authorized Representative of the Manager shall allow the person or industrial user to recommence discharging to the POTW when the person or 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 10.04.14 (8) of this ordinance are initiated against the person or industrial user.

(B) A person or user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Manager or Authorized Representative of the Manager, prior to the date of any show cause or termination hearing under Sections 10.04.14 (3) and 10.04.14 (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 10.04.09 (6) above, any person or 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 person or industrial user's premises for the purpose of inspection, monitoring, and/or sampling; or

(E) Violation of the Pretreatment Standards set forth in Section 10.04.06 of this ordinance.

Such persons or 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 10.04.14 (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 or user aggrieved by any action of the Authorized Representative of the Manager made pursuant to this Section 10.04.14 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 subparagraph (A) above, 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) 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.

(E) 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 or 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 person or user's request for consideration is successful, the payment, together with any interest accruing thereto, shall be returned to the person or 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.

10.04.15 - JUDICIAL ENFORCEMENT REMEDIES

(1) Injunctive Relief

Whenever an person or user has violated a Pretreatment Standard or Requirement or continues to violate the provisions of this ordinance, an individual (or general) wastewater discharge permit, any order issued hereunder, or any other Pretreatment 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 of Jonesboro, Arkansas, 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.

(B) 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.

(C) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factors as justice requires.

(D) 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 person or 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 person or 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 the foregoing subparagraphs 10.04.15 (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 10.04.15 (3) (A) and (B), shall be in addition to any other cause of action for personal injury or property damage available under State law and shall be in addition to civil penalties which may be assessed under Section 10.04.15 (2) of this ordinance.

(4) Remedies Nonexclusive

The provisions in Sections 10.04.13, 10.04.14, 10.04.15, and 10.04.16 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 or 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 person or person or user when the circumstances warrant. Furthermore, CWL is empowered to take more than one enforcement action against any noncompliant person or user. These actions may be taken concurrently.

10.04.16 - SUPPLEMENTAL ENFORCEMENT ACTION

(1) Performance Bonds

The Manager may decline to reissue an individual (or general) wastewater discharge permit to any person or 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 person or 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 person or 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 person or 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 an person or 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 person or user may be severed. Service will only recommence at the person's or user's expense and after the person or 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 person or 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 person or 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 person or 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 person or user who has failed to pay any outstanding fees, fines, or penalties incurred as a result of any provision of this ordinance, a previous individual (or general) wastewater discharge permit, or order issued hereunder.

10.04.17 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

(1) Upset

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

(B) An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of Section 10.04.17 (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 POTW 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 10.04.06 (1) (A) of this ordinance and specific prohibitions listed in Section 10.04.06 (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 10.04.17 (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 POTW, 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 POTW 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 POTW 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 10.04.17 (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 10.04.17 (3) (D) (i) above.

10.04.18 – 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 BOD_5, 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 Jonesboro POTW having a BOD_5 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:

$$S = (V_{ww})\,(8.34)\,[C_{BOD5}\,(BOD_5\text{-}250) + C_{ss}\,(TSS\text{-}250) + C_{FOG}\,(FOG\text{-}100)]$$

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 BOD_5
- C_{ss} = Charge per pound of TSS
- C_{FOG} = Charge per pound of FOG
- BOD_5 = BOD_5 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 BOD_5 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 Jonesboro POTW having a BOD_5 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 BOD_5 and the TSS concentrations.

Excessive Strength Capacity Charge Formula:

$$CAP = (V_{ww})\,(8.34)\,[((\text{Greater of } BOD_5 \text{ or TSS})\text{-}250)\,C_{CAP}]$$

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 BOD_5 or TSS
- BOD_5 = BOD_5 in mg/L of non-residential User's wastewater
- TSS = TSS in mg/L of non-residential User's wastewater
- 250 = Concentration in mg/L above which both BOD_5 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 10.04.13 and 10.04.14

10.04.19 - MISCELLANEOUS PROVISIONS

(1) Pretreatment Charges and Fees

CWL may adopt reasonable administrative charges and fees for the reimbursement of costs associated with ~~of~~ 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 the 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 effected and shall continue in full force and effect.

(3) Conflicts

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of the inconsistency or conflict.

SECTION 2.

Effective Date

The Jonesboro City Council hereby determines that Title 10, Chapter 10.04 (Sewer Use - 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.

INTRODUCED	the	____	day of	_____, _____.
FIRST READING	the	____	day of	_____, _____.
SECOND READING	the	____	day of	_____, _____.
PASSED	this	____	day of	_____, _____.

AYES:	NAYES:	ABSENT:	NOT VOTING:
_____	_____	_____	_____
_____	_____	_____	_____
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_____	_____	_____	_____

APPROVED this ____ day of _____ , _____.

_____
Mayor

ATTEST:

_____
City Clerk

Published: _____ Date: __/__/__
Publication