



CITY WATER & LIGHT PLANT OF THE CITY OF JONESBORO, AR
AMENDMENT TO THE JONESBORO MUNICIPAL CODE
PART 1, CHAPTER 70, ARTICLE III, DIVISION 2 – PRETREATMENT ORDINANCE
EXECUTIVE SUMMARY
FEBRUARY 28, 2012

The new Pretreatment Ordinance (PTO), Part 1, Chapter 70, Article III, Division 2 (originally Title 10, Chapter 10.04), is proposed as an amendment to the Jonesboro Municipal Code to maintain the uniform requirements for Industrial Users of the wastewater collection system and Publicly Owned Treatment Works of the City Water and Light Plant of the City of Jonesboro, Arkansas (CWL) and enables CWL to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code (U.S.C.) 1251 *et seq.*) and the General Pretreatment Regulations (40 CFR Part 403).

At the request of the Arkansas Department of Environmental Quality (ADEQ), the General Sewer Use Ordinance (proposed as addition Part 1, Chapter 70, Article III, Division 3 to the Jonesboro Municipal Code) has been separated from the PTO. ADEQ approved this separated version of the PTO on December 9, 2011. **ADEQ has required that the new PTO be adopted by April 2, 2012.**

As a result of the PTO and General Sewer Use Ordinance (GSUO) separation, the provisions that focus on such general sewer use requirements as the regulation of the use of public and private sewers; private sewage disposal; and the installation, construction, maintenance, and connection of building sewers (privately owned sewer laterals) were removed from the PTO and included in the proposed GSUO. Section 70-85 of the PTO (Definitions) was revised by removing all definitions that specifically focus on general sewer use requirements and including these in the proposed GSUO. Additional revisions to this Section were completed based on ADEQ recommendations and developed from the U.S. Environmental Protection Agency Model Pretreatment Ordinance (EPA Model PTO), January 2007.

Significant revisions to the PTO were based on requirements and recommendations set forth by the EPA Pretreatment Streamlining Rule (October 2005) revising the General Pretreatment Regulations (Title 40, Parts 9, 122 and 403 of the Code of Federal Regulations) that address requirements for, and oversight of, Industrial Users who introduce pollutants into Publicly Owned Treatment Works (POTWs). Other major revisions were based on ADEQ requirements and recommendations, language from the EPA Model PTO, CWL Attorney recommendations, CWL Board resolutions, and CWL efforts to improve protection of the POTW. These major revisions are detailed in the table on the following pages.

Throughout the document, minor modifications were made to correct typographical and grammatical errors; remove extraneous language; and further clarify certain provisions.

CITY WATER & LIGHT

PART 1, CHAPTER 70, ARTICLE III, DIVISION 2 - PRETREATMENT ORDINANCE (PTO)

SUMMARY OF REVISIONS

FEBRUARY 28, 2012

| | EXISTING ORDINANCE SECTION | PROPOSED ORDINANCE SECTION | BASIS FOR REVISION | SUMMARY OF CHANGE |
|--|----------------------------|----------------------------|--|---|
| Equivalent Limitations for Mass Limits | N/A | 70-87 (2)(B) | Streamlining recommendation. | Provides for the development of equivalent limitations for Categorical mass limits. |
| Equivalent Mass Limits | N/A | 70-87(2)(E) & (H) | Streamlining recommendation. | Provides for the conversion of concentration-based categorical standards to equivalent mass limits. |
| Provisions for Equivalent Limitations | N/A | 70-87 (2)(F) & (G) | Streamlining recommendation. | Provides requirements for the enforcement and development of equivalent limits. |
| Local Limits | 10.04.06 (4) | 70-87 (3) | ADEQ recommendation. | Provides for the development of local limits based on best professional judgment or performance based standards. |
| Best Management Practices (BMPs) | N/A | 70-87 (3) | Streamlining recommendation. | Allows BMPs to be used in lieu of numeric local limits. Adoption of this Streamlining recommendation resulted in required BMP language in several places throughout document. |
| Slug Control Plans | 10.04.07 (3) | 70-88 (3) | Streamlining requirement. | Allows POTW discretion regarding frequency of slug control plan evaluations for Significant Industrial Users (SIUs). Also, any slug control requirements must be reflected in SIU permits, which resulted in the addition of slug control language in a few other places within the document. |
| Hauled Wastewater | 10.04.07 (5) | 70-88 (5) | CWL efforts to improve protection of the POTW. | Additions to the already existing Hauled Wastewater regulations were included to facilitate increased control of wastewater entering the POTW. This allows for better protection of the POTW and the environment. |
| Permit Application Contents | 10.04.08 (5) | 70-89 (5) | ADEQ recommendation to follow EPA Model PTO. | Improved format and language regarding the required contents of Wastewater Discharge Permit Applications. |
| General Permits | N/A | 70-89 (8) | Streamlining recommendation. | Allows CWL to issue general permits to groups of SIUs that are substantially similar. Adoption resulted in the inclusion of general permit language throughout document. |

| | EXISTING ORDINANCE SECTION | PROPOSED ORDINANCE SECTION | BASIS FOR REVISION | SUMMARY OF CHANGE |
|--|----------------------------|----------------------------|--|---|
| Measurement of Pollutants | 10.04.10 (1)(B)(v) | 70-91 (1)(B)(v) | ADEQ recommendation to follow EPA Model PTO. | Provides clarification for sampling protocols and historical data submission regarding baseline monitoring reports for SIUs. |
| Repeat Sampling & Reporting | 10.04.10 (8) | 70-91 (8) | Streamlining requirement. | Provides provisions for required repeat sampling and analysis following an Industrial User violation. |
| Sample Collection | 10.04.10 (11) | 70-91 (11) | Streamlining requirement. | Clarifies and updates application of sampling requirements. |
| Significant Noncompliance (SNC) | 10.04.13 (A), (B) & (C) | 70-94 (1), (2) & (3) | Streamlining requirement. | Broadens scope of violations covered and ensures SNC criteria apply only to Industrial Users that have adversely affected pretreatment program. |
| Administrative Fines | N/A | 70-95 (6) | ADEQ recommendation to follow EPA Model PTO. | Allows CWL to impose fines for violations of the PTO. |
| Appeal of Orders & Request for Reconsideration | N/A | 70-95 (9) & (10) | CWL Attorney recommendation. | Provides “due process” for Industrial Users regarding CWL administrative enforcement actions associated with Industrial User Ordinance violation(s). |
| Fines for Late Reports | N/A | 70-97 (5) | ADEQ recommendation to follow EPA Model PTO. | Allows CWL to impose fines for late reports from Industrial Users. |
| Outstanding Fees, Fines, and Penalties | N/A | 70-97 (6) | ADEQ recommendation to follow EPA Model PTO. | Allows CWL to decline issuing or reissuing a wastewater discharge permit for failure to pay outstanding fees, fines and penalties. |
| Excessive Strength Capacity Charge | N/A | 70-99 (2) | Approved by CWL Board on October 23, 2007. | Allows CWL to impose a capacity charge for Industrial Users discharging certain conventional pollutant in excessive concentrations. Allows the Industrial Users to more efficiently treat their excessive strength waste while CWL’s other ratepayers can be compensated for unused treatment capacity. |