

SEWER USE—PRETREATMENT ORDINANCE

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; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND FOR OTHER PURPOSES, ALL PERTAINING TO THE SEWER SYSTEM WITHIN THE JURISDICTION OF THE CITY OF JONESBORO, ARKANSAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS:

SECTION 1.

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

10.04.00 - SHORT TITLE

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

Sections:

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10.04.01 - PURPOSE AND POLICY

This ordinance sets forth uniform requirements for users of the wastewater collection and Publicly-Owned Treatment Works (POTW) for the City Water and Light Plant of Jonesboro, Arkansas (CWL), (the POTW), and enables City Water and Light Plant (CWL) to comply with all applicable State and Federal laws including the Clean Water Act (33 U.S.C. 1251 et seq.), and the General Pretreatment Regulations (40 CFR 403). The objectives of this ordinance are:

- (1) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW.
- (2) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW.
- (3) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations.
- (4) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public.
- (5) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW.
- (6) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW.
- (7) To enable City Water and Light Plant (CWL) to comply with its NPDES permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the POTW is subject.
- (8) To encourage waste minimization, recycling and reuse, and best management practices through pollution prevention activities.

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

10.04.02 - ADMINISTRATION

- (1) The City Water and Light Plant Board of Directors (Board) shall establish such fees for sewer service, connections, monitoring, inspections, permits, and surveillance as are necessary to properly administer the Jonesboro, Arkansas Industrial Pretreatment Program and maintain and operate the POTW. The City Water and Light Plant Board of Directors (Board) may, in compliance with Arkansas Code of 1987 Annotated, including 1995 Supplement Volume 6A, 8-4-103 (g) et seq., authorize any judicial enforcement remedy taken by City Water and Light Plant against any industrial user in violation of the Jonesboro Municipal Code.
- (2) Except as otherwise provided herein, the City Water and Light Plant Board of Directors (Board), through its designated Manager, shall administer, implement and enforce the provisions of Title 10, Chapter 10.04 (Sewer Use-Pretreatment Ordinance) of the Jonesboro Municipal Code. Any powers granted to or duties imposed upon the Manager may be delegated by the Manager to other City Water and Light Plant (CWL) personnel.

10.04.03 - DEFINITIONS

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

- (1) Accessible Public Sewer. Shall mean an existing public sewer located so that it may be reached either by

a building sewer constructed at the minimum grade recommended by the Arkansas Department of Health, or by a combination of the extension of the existing public sewer and the construction of a building sewer, both of which are constructed at the minimum grade recommended by the Arkansas Department of Health.

- (2) Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- (3) Approval Authority. Currently the Arkansas Department of Environmental Quality (ADEQ).
- (4) Authorized Representative of the Industrial User
 - (A) If the industrial user is a corporation, authorized representative shall mean:
 - 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;
 - ii) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (B) If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively.
 - (C) If the industrial user is a Federal, State or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.
 - (D) The "Authorized Representatives" described above may designate another 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.
- (5) Biochemical Oxygen Demand (BOD₅). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20° centigrade, expressed in terms of mass and concentration [milligrams per liter (mg/l)].
- (6) Board of Directors (Board). Shall mean the duly elected or appointed Board of Directors (Board) of City Water and Light Plant of Jonesboro, Arkansas.
- (7) Building Drain. Shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- (8) Building Sewer. Shall mean the extension from the building drain to the public sewer or other places of disposal.
- (9) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the U. S. EPA in accordance with Sections 307 (b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I. Subchapter N, Parts 405-471.
- (10) City. The City of Jonesboro, County of Craighead, in the State of Arkansas, or the City Council of the City of Jonesboro.
- (11) 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 Ark. Code Ann. 14-218-101 et seq., as a consolidated Municipal Improvement District to own and operate

the Electric Power, Water and Wastewater Utilities in the City of Jonesboro, Arkansas.

- (12) COD. (Chemical Oxygen Demand) shall mean the measure of the oxygen-consuming capacity of inorganic and organic matter present in the water or wastewater expressed in mg/l as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.
- (13) Collector Building Sewer. Shall mean a sewer on private property, privately maintained, which serves more than one building sewer. Collector Building Sewers shall be constructed with manholes at grade changes, changes in alignment and at termini, and with pipe having a diameter of at least six (6) inches, and such sewers shall be located outside building walls and footings.
- (14) Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
- (15) Combined Sewer. Shall mean a sewer receiving both surface runoff and sewage.
- (16) 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.
- (17) Control Authority. Under the provisions of 40 CFR 403.12 (a) the term "Control Authority" shall mean the Board of Directors of City Water and Light Plant of Jonesboro, Arkansas acting through its designated Manager who is charged with certain duties and responsibilities by this ordinance, or his duly appointed or authorized representative.
- (18) Control Manhole or Control Point. Shall mean a point of access to a building sewer at a point before wastewater conveyed by the building sewer mixes with other wastewater conveyed by the public sewer.
- (19) Council or City Council. Shall mean the duly elected or appointed governing body of the City of Jonesboro.
- (20) District. Shall mean City Water and Light Plant of Jonesboro, Arkansas (CWL).
- (21) Environmental Protection Agency or EPA. The U. S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director or other duly authorized official of said agency.
- (22) Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- (23) Garbage. Shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- (24) Grab Sample. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.
- (25) Indirect Discharge or Discharge. The introduction of (non-domestic) pollutants into the POTW from any non-domestic source regulated under Section 307 (b) (c) or (d) of the Act.
- (26) Industrial User or User (IU). A source of indirect discharge to the waters of the State. Defined by ADEQ as a discharge to a POTW.
- (27) Industrial Wastes. Shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- (28) Instantaneous Maximum Allowable Discharge Limit. The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (29) 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 Jonesboro's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/ regulatory provisions or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.
- (30) Manager. The person appointed by the Board of Directors of City Water and Light Plant of the City of Jonesboro, Arkansas to manage and supervise the electric, water and wastewater utilities of the District, and who is charged with certain duties and responsibilities by this ordinance, or the duly appointed or authorized representative of such person.
- (31) Mayor. Shall mean the Mayor of the City of Jonesboro, Arkansas.
- (32) Medical Waste. Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.
- (33) Milligrams per Liter (mg/l). The same as parts per million and is a weight-to-volume ratio; the milligrams per liter value multiplied by a factor of 8.34 shall be equivalent to pounds per million gallons of water.
- (34) National Pollution Discharge Elimination System or NPDES Permit. Shall mean a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (35) Natural Outlet. Shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
- (36) 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 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 (36) (A) ii) or iii) above but otherwise alters, replaces, or adds to existing process or production equipment.

- (C) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- 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 its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- (37) Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material intermediate product, waste product, or finished product.
- (38) Normal Domestic Wastewater. Means wastewater, excluding that from non-residential uses, discharged by a person into the POTW in which the average concentration of BOD₅ is not more than 250 mg/l and TSS is not more than 250 mg/l.
- (39) Owner. Shall mean the "person" or "persons" who possess any interest in the structure or property to which such ownership relates.
- (40) Pass-Through. A discharge which exits the POTW into waters of the U. S. 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 Jonesboro's NPDES permit (including an increase in the magnitude or duration of a violation).
- (41) Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State or local governmental entities.
- (42) pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.
- (43) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, scwage 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 the characteristics of the wastewater [i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, odor].
- (44) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- (45) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.
- (46) Pretreatment Standards or Standards. Pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards, and technically based local limits.
- (47) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 10.04.06 (1) of the Jonesboro Municipal Code.

- (48) Properly Shredded Garbage. Shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
- (49) Publicly Owned Treatment Works or POTW. A "treatment works" as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the State or municipality. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the public entity having jurisdiction over the POTW industrial users and responsibility for the operation and maintenance of the treatment works.
- (50) Public Sewer. Shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by City Water and Light Plant of Jonesboro, Arkansas (CWL).
- (51) Sanitary Sewer. Shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.
- (52) Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (53) Sewage. Human excrement and gray water (household showers, dish washing operations, etc.).
- (54) Sewage Treatment Plant. Shall mean any arrangement of devices & structures used for treating sewage.
- (55) Sewage Works. Shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- (56) Sewer Surcharge or Surcharge. Shall a sewer service charge above the normal monthly sewer rate which may be assessed to those non-residential sewer users who discharge into the POTW wastewater having BOD₅ in excess of 250 mg/l or suspended solids content in excess of 250 mg/l.
- (57) Significant Industrial User (SIU). Shall apply to:
- a) industrial users subject to categorical pretreatment standards; and
 - b) any other industrial user that;
 - i) discharges an average of 25,000 gpd or more of process wastewater,
 - ii) contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant, or iii) is designated as significant by City Water and Light Plant of Jonesboro, Arkansas (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.
- (58) Slug Load. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 10.04.06 of this ordinance or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.
- (59) Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the U. S. Office of Management and Budget.
- (60) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snowmelt.
- (61) Standard Methods. Shall mean the examination and analytical procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.
- (62) Storm Drain. (Sometimes termed "storm sewer") shall mean a sewer which carries storm and surface

waters and drainage, but excludes sewage and industrial waste, other than unpolluted cooling water.

- (63) Surface Waters. Shall mean any watercourse, pond, stream, ditch, lake, or other body of water occurring on the earth's surface.
- (64) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- (65) To Discharge. Includes to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions.
- (66) Toxic Pollutant. One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of Section 307 (33 U.S.C. 1317) of the Act.
- (67) Trap. Means a device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.
- (68) Treatment Plant Effluent. Any discharge of pollutants from the POTW into the waters of the State.
- (69) Unusual BOD. Is defined as BOD₅ in excess of 250 mg/l.
- (70) Unusual Suspended Solids. Is defined as total suspended solids in excess of 250 mg/l.
- (71) Wastewater. Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- (72) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW designed to provide treatment of sewage and industrial waste.
- (73) Watercourse. Shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Shall is mandatory; 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 context of its use.

10.04.04 - ABBREVIATIONS

The following abbreviations shall have the designated meanings:

- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - U. S. Environmental Protection Agency
- gpd - Gallons per Day
- l - Liter
- mg - Milligrams
- mg/l - Milligrams per Liter
- NPDES - National Pollutant Discharge Elimination System
- OSHA - Occupational Safety and Health Administration (Title 29, Chapter XVII CFR)
- O&M - Operation and Maintenance
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act

- SIC - Standard Industrial Classifications
- SWDA - Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
- TSS - Total Suspended Solids
- USC - United States Code

10.04.05 - GENERAL SEWER USE REQUIREMENTS

(1) Use of Public Sewers

- (A) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the City of Jonesboro, Arkansas, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectional wastes.
- (B) It shall be unlawful to discharge to any natural outlet within the City of Jonesboro, Arkansas, or in any area served by City Water and Light Plant (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 National Pollutant Discharge Elimination System 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) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City of Jonesboro and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located an accessible public sanitary sewer of the City Water and Light Plant of Jonesboro, Arkansas is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper accessible public sewer in accordance with the provisions of the Jonesboro Municipal Code, within sixty (60) days after date of official notice to do so, provided that said accessible public sewer is within three hundred (300) feet of the property line. The requirements of this section shall not apply to owners discharging such sewage under the provisions of a valid National Pollutant Discharge Elimination System permit.
- (E) Other than building sewers and collector building sewers, all sewers constructed by owners to connect the building drains of structures to an existing public sewer shall be located within public easements or rights-of-way and shall be constructed by such owner to the standards required by City Water and Light Plant (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 of City Water and Light Plant (CWL).
- (F) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff or subsurface drainage to the POTW.
- (G) Storm water and all other surface runoff shall be discharged to such sewers specifically designated as storm sewers, or to a natural outlet.

(2) Private Sewage Disposal

- (A) Where a public sanitary sewer is not available under the provisions of Section 10.04.03 (1) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.
- (B) Before commencement of construction of a private wastewater disposal system within the City of

Jonesboro, Arkansas, or in any area under the jurisdiction of said City Water and Light Plant (CWL), all persons shall first obtain a permit for such construction from the City Inspector. The application for such permit shall be made on a form furnished by the City Inspector, which the applicant shall supplement by plans, specifications, and construction permits approved by the Arkansas Department of Health and/ or the Arkansas Department of Environmental Quality.

The then current permit and inspection fee prescribed by the City Inspector shall be paid to City of Jonesboro 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 and, in any event, 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 inspection shall be made within forty-eight (48) hours of the receipt of notice by the Inspector.
- (D) The type, capacities, locations and layout of private sewage disposal systems shall comply with all applicable requirements of the Arkansas Department of Health and/or the Arkansas Department of Environmental Quality. 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 septic tank or cesspool shall be permitted to discharge to any natural outlet.
- (E) At such time as an accessible public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 10.04.03 (1) of the Jonesboro Municipal Code, 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 National Pollution Discharge Elimination System 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 of Jonesboro or to City Water and Light Plant (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 Sanitarian.

(3) Building Sewers and Connections

- (A) No unauthorized person shall uncover, make any connection with or opening into, use alter, or disturb any public sewer or appurtenance thereof without first obtaining a permit for such connection from the Manager of City Water and Light Plant (CWL). No permit shall be issued for a sewer connection until the then current tie-on fee prescribed by the Board of Directors (Board) of City Water and Light Plant (CWL) has 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 of City Water and Light Plant. 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 customers who will discharge industrial process wastes to the POTW, the potential customer shall complete an Industrial User Survey, on a form furnished by the Manager of City Water and Light Plant, no less than one hundred and twenty (120) days prior to date on which they plan to discharge wastewater to the POTW. If the potential customer will be a Significant Industrial User, the potential customer shall, pursuant to Section 10.04.08 of the Jonesboro Municipal Code, complete an application for an Industrial

Waste Discharge Permit, also on a form furnished by the Manager of City Water and Light Plant, no less than ninety (90) days prior to date on which they plan to discharge wastewater.

- (D) The Manager will evaluate applications for Industrial Waste Discharge Permits and determine, pursuant to Section 10.04.08 of the Jonesboro Municipal Code, whether or not to issue the applicant an Industrial Waste Discharge Permit.
- (E) A separate and independent building sewer shall be provided for each individual building except:
 - 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 maintenance of the building sewer; or
 - iii) temporary buildings, mobile homes, or similar portable structures may be connected to a building sewer installed to serve a previously constructed permanent building provided that both the permanent and temporary buildings are located on a lot or tract and maintained in common ownership.
- (F) Pipe for building sewers for service to the City Water and Light Plant public sewer may be of any approved material listed in the City of Jonesboro 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 building sewers.
- (G) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Manager of City Water and Light Plant (CWL) to meet all requirements of the Jonesboro Municipal Code.
- (H) The size, slope and alignment of building sewers and methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of City Water and Light Plant (CWL). In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- (I) Wherever possible, the building sewer shall be brought 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 such building drain shall be lifted by an approved means and discharged to the building sewer.
- (J) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- (K) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of City Water and Light Plant (CWL) or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Manager of City Water and Light Plant before installation.
- (L) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as 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 of Jonesboro.
- (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 accomplished only under the supervision of City Water and Light Plant (CWL) Sewer Department personnel.

- (N) Persons possessing building sewer permits shall indemnify the City of Jonesboro and City Water and Light Plant (CWL) from any loss or damage that may directly be occasioned by the installation and/or operation of the building sewer.
- (O) Persons possessing building sewer permits shall hold the City of Jonesboro and City Water and Light Plant (CWL) harmless from any loss or damage that may directly or indirectly be occasioned by the installation and/or operation of the building sewer.

10.04.06 - REGULATION OF DISCHARGES

(1) Prohibited Discharge Standards

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 requirement. Furthermore, no industrial user may contribute the following substances to the POTW:

- (A) Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.
- (B) Any wastewater having a pH less than 6.0 SU or more than 11.5 SU, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering City Water and Light Plant personnel.
- (C) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one half (1/2) inch (1.27 centimeters) in any dimension.
- (D) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW; or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.
- (E) Any wastewater having a temperature greater than 150°F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C).
- (F) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through.
- (G) Any pollutants 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.
- (I) Any trucked or hauled pollutants, except at discharge points designated by the Manager of City Water and Light Plant in accordance with Section 10.04.07 (5) of the Jonesboro Municipal Code.
- (J) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
- (J) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating City Water and Light Plant's NPDES permits.
- (K) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by

the Manager in an Industrial Waste Discharge Permit in compliance with applicable State or Federal regulations.

- (L) Storm water, surface water, ground water, 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 Industrial Waste Discharge Permit.
- (M) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (N) Any medical wastes, except as specifically authorized by the Manager in an Industrial Waste Discharge Permit.
- (O) Any wastewater causing the treatment plant's effluent to fail a toxicity test.
- (P) Any wastes containing detergents, surface active agents, surfactants, or other substances which may cause excessive foaming or scum in the POTW.
- (Q) Any wastes containing fats, oils, or greases of animal, vegetable or mineral origin exceeding one hundred (100) mg/l, except that which may be permitted by the Manager of City Water and Light Plant as provided for by Section 10.04.18 of the Jonesboro Municipal Code.

Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

(2) Federal Categorical Pretreatment Standards

The National Categorical Pretreatment Standards found at 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 accord with 40 CFR 403.6 (c).
- (B) 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 wastestream formula in 40 CFR 403.6 (e).
- (C) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(3) State Requirements

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

(4) Specific Pollutant Limitations

To protect against pass-through and interference, no Significant Industrial User may discharge or cause to be discharged into the POTW wastewater having concentrations of pollutants exceeding Technically Based Local Limits developed by the Manager of City Water and Light as required by Part III of CWL's NPDES permits No. AR0037907 and AR0043401 and adopted by Resolution by the Board of Directors of City Water and Light Plant. Adopted Technically Based Local Limits also are as approved by the Arkansas Department of Environmental Quality. Technically Based Local Concentration Limits shall apply at the "monitoring point" described in individual Industrial Wastewater Discharge Permits. All concentration limits for metals pollutants shall be for

"total" metals unless otherwise indicated. At his discretion, the Manager may impose mass limitations in addition to or in place of the concentration based Technically Based Local Limits.

(5) City Water and Light Plant's Right of Revision

The City Water and Light Plant may establish, by Resolution by the Board of Directors of City Water and Light Plant (Board), or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 10.04.01 of the Jonesboro Municipal Code or the general or specific prohibitions in Section 10.04.06 (4) of the Jonesboro Municipal Code.

(6) Most Stringent Requirement or Standard to Apply

The most stringent of Federal, State of Arkansas, or Jonesboro Municipal Code requirements or standards shall supersede the others and shall then become the applicable pretreatment requirement or standard.

(7) Special Agreement

The Board of Directors of City Water and Light Plant (Board) may enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement.

(8) 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 of City Water and Light Plant may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

10.04.07 - PRETREATMENT OF WASTEWATER

(1) Pretreatment Facilities

Industrial users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in Section 10.04.06 above within the time limitations specified by the EPA, the State, or the Manager—whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to City Water and Light Plant 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 acceptable to 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 City Water and Light Plant (CWL) under the provisions of this ordinance.

(2) Additional Pretreatment Measures

- (A) Whenever deemed reasonably necessary for proper operation of the POTW, the Manager of City Water and Light Plant may require industrial users to restrict their discharge of wastewater during peak flow periods, designate that certain wastewater be discharge only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this ordinance.
- (B) Whenever deemed reasonably necessary for proper operation of the POTW, the Manager of City Water and Light Plant may require industrial users to install and maintain, on his property and at his 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

facility be equipped with alarms and a rate of discharge controller, the regulation of which may be directed only by the Manager. A wastewater discharge permit may be issued solely for flow equalization.

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

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

All interceptors shall be continuously maintained in satisfactory and effective operation by the owner at his expense. Storage, handling, transportation, and disposal of all wastes generated from interceptors shall be performed in accordance with all applicable Federal, State, and local regulations 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 of City Water and Light Plant to install and maintain an approved combustible gas detection meter.

(3) Accidental Discharge/ Slug Control Plans

The Manager of City Water and Light Plant may require any industrial user to develop and implement an accidental discharge/ slug control plan. At least once every two years the Manager shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/control slug 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; 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.

(4) Tenant Responsibility

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

(5) Hauled Wastewater

- (A) Septic tank waste may be accepted into the POTW at a receiving structure designated by the Manager of City Water and Light Plant, and at such times as are established by the Manager, provided such wastes do not violate Section 10.04.06 of the Jonesboro Municipal Code or any other requirements established or adopted by the Board of Directors of City Water and Light Plant. Wastewater discharge permits for individual vehicles to use such facilities may be issued by the Manager.
- (B) The discharge of hauled industrial wastes as "industrial septage" requires prior approval and a

wastewater discharge permit from City Water and Light Plant (CWL). The Manager shall have authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operation. Waste haulers are subject to all other applicable sections of the Jonesboro Municipal Code.

- (C) Fees for dumping septage will be established by the Board of Directors of City Water and Light Plant as part of the industrial user fee system as authorized in Section 10.04.19 (1).

(6) Vandalism

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

10.04.08 - WASTEWATER DISCHARGE PERMIT ELIGIBILITY

(1) Wastewater Survey

When requested by the Manager of City Water and Light Plant, all industrial users must submit information on the nature and characteristics of their 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 the survey. Failure to complete this survey shall be considered a violation of the Jonesboro Municipal Code and reasonable grounds for terminating water and wastewater service to the industrial user.

(2) Wastewater Discharge Permit Requirement

(A) It shall be unlawful for any significant industrial user to discharge wastewater into the Jonesboro POTW without first obtaining a wastewater discharge permit from the Manager of City Water and Light Plant (CWL). Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of the Jonesboro Municipal Code and subjects the wastewater discharge permittee to the sanctions set out in Sections 10.04.13 through 10.04.16 of the Code. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.

(B) The Manager of City Water and Light Plant (CWL) may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

(3) Wastewater Discharge Permitting Existing Connections

The Manager of City Water & Light Plant may, within 30 days of determining that an existing industrial user is a significant industrial user as defined by Section 10.04.03 (57) of the Jonesboro Municipal Code, notify the significant industrial user of its status as a significant industrial user and of the requirement to obtain a wastewater discharge permit. The Manager will furnish the existing significant industrial user an appropriate permit application package. Any industrial user who, after notification of the requirement to obtain a wastewater discharge permit, wishes to continue such discharges in the future, shall within ninety (90) days after notification, apply to the Manager of City Water and Light Plant for a wastewater discharge permit in accordance with Section 10.04.08 (6) below. Existing significant industrial 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 a wastewater discharge permit except in accordance with a wastewater discharge permit issued by the Manager.

(4) Wastewater Discharge Permitting New Connections

Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such

discharge. An application for this wastewater discharge permit must be filed at least ninety (90) days prior to the date upon which any discharge will begin.

(5) Wastewater Discharge Permit Application Contents

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

- (A) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
- (B) Number and type of employees, hours of production and operation of pretreatment facilities, and proposed or actual hours of discharge to the POTW.
- (C) Each product produced by type, amount, process or processes, and rate of production.
- (D) Type and amount of raw materials processed (average and maximum per day).
- (E) The site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
- (F) Time and duration of the discharges.
- (G) Any other information as may be deemed necessary by the Manager to evaluate the wastewater discharge permit application.

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

(6) Application Signatories and Certification

All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.

"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."

(7) Wastewater Discharge Permit Decisions

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

10.04.09 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

(1) Wastewater Discharge Permit Duration

Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the

Manager of City Water and Light Plant. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(2) Wastewater Discharge Permit Contents

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Manager of City Water and Light Plant to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

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

- i) a statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
- ii) a statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the Manager of City Water and Light Plant, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- iii) effluent limits applicable to the user based on applicable standards in Federal, State, and local law;
- iv) self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
- v) statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(B) 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 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;
- viii) a statement that compliance with the 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 wastewater discharge permit; and

- ix) other conditions as deemed appropriate by the Manager of City Water and Light Plant to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

(3) Wastewater Discharge Permit Appeals

Any person, including the industrial user, may petition the Board of Directors of City Water and Light Plant of Jonesboro, Arkansas to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance.

- (A) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (B) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (C) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (D) If the Board of Directors of City Water and Light Plant of Jonesboro, Arkansas fails to act within sixty (60) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review.
- (E) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decisions must do so by filing a complaint within a court of competent jurisdiction.

(4) Wastewater Discharge Permit Modification

The Manager of City Water and Light Plant may modify the wastewater discharge permit for good cause including, but not limited to, the following:

- (A) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.
- (B) To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance.
- (C) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- (D) Information indicating that the permitted discharge poses a threat to the POTW, POTW personnel, or the receiving waters.
- (E) Violation of any terms or conditions of the wastewater discharge permit.
- (F) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
- (G) Revision of categorical pretreatment standards pursuant to 40 CFR 403.13.
- (H) To correct typographical or other errors in the wastewater discharge permit.
- (I) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any existing wastewater discharge permit condition.

(5) Wastewater Discharge Permit Transfer

Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least thirty (30) days advance notice to the Manager of City Water and Light Plant and the Manager approves the wastewater discharge permit transfer. The notice to the Manager must include

a written certification by the new owner and/or operator which:

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

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

(6) Wastewater Discharge Permit Revocation

Wastewater discharge permits may be revoked for the following reasons:

- (A) Failure to notify the Manager of City Water and Light Plant of significant changes to the wastewater prior to the changed discharge.
- (B) Failure to provide prior notification to the Manager of City Water and Light Plant of changed condition pursuant to Section 10.04.10 (5) of the Jonesboro Municipal Code.
- (C) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
- (D) Falsifying self-monitoring reports.
- (E) Tampering with monitoring equipment.
- (F) Refusing to allow the Manager of City Water and Light Plant timely access to the facility premises and records.
- (G) Failure to meet effluent limitations.
- (H) Failure to pay fines.
- (I) Failure to pay sewer charges.
- (J) Failure to meet compliance schedules.
- (K) Failure to complete a wastewater survey or the wastewater discharge permit application.
- (L) Failure to provide advance notice of the transfer of a permitted facility.
- (M) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the ordinance.

Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All existing wastewater discharge permits issued by City Water and Light Plant are void upon the issuance of a new wastewater discharge permit.

(7) Wastewater Discharge Permit Reissuance

A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application, acceptable by the Manager of City Water and Light Plant, in accordance with Section 10.04.08 (6) of the Jonesboro Municipal Code a minimum of sixty (60) days prior to the expiration of the industrial user's existing 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 the final administrative decision on a category determination under 40 CFR 403.6 (a) (4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to

the Manager of City Water and Light Plant a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the Manager of City Water and Light Plant a report which contains the information listed in Section 10.04.10 (1) (B) below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(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) Wastewater Discharge Permits. A list of any environmental control wastewater discharge permits held by or for the facility.
- iii) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- iii) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6 (e).
- v) Measurement of Pollutants
 - a) Identify the categorical pretreatment standards applicable to each regulated process.
 - b) Submit the results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by the Manager of City Water and Light Plant of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations or mass, where required shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 10.04.10 (10) below.
 - c) Sampling must be performed in accordance with procedures set out in Section 10.04.10 (11) below.
- vi) Certification. A statement reviewed by the industrial user's authorized representative 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 pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. 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 10.04.08 (6) of the Jonesboro Municipal Code.
- viii) User Certification. All baseline monitoring reports must be signed and certified in accordance with Section 10.04.08 (7) of the Jonesboro Municipal Code.

(2) Compliance Schedule Progress Report

The following conditions shall apply to the schedule required by Section 10.04.10 (1) (B) (vii) above. The

schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine (9) months. The industrial user shall submit a progress report to the Manager of City Water and Light Plant no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, the steps being taken by the significant industrial user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Manager of City Water and Light Plant.

(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 of City Water and Light Plant a report containing the information described in Section 10.04.10 (1) (B) (iv-vi) above. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6 (c), this report shall contain a reasonable measure of the industrial user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 10.04.08 (7) above.

(4) Periodic Compliance Reports

- (A) Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the Manager of City Water and Light Plant but in no case less than twice per year [in June and December, 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. All periodic compliance reports must be signed and certified in accordance with Section 10.04.08 (7) above.
- (B) All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of 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.
- (C) If an industrial user subject to the reporting requirement in and of this section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in Section 10.04.10 (11) below, the results of this monitoring shall be included in the report.

(5) Report of Changed Conditions

Each industrial user is required to notify the Manager of City Water and Light Plant of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least sixty (60) days before the change.

- (A) The Manager of City Water and Light may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 10.04.08 (6) above.
- (B) The Manager of City Water and Light Plant may issue a wastewater discharge permit under Section 10.04.08 (8) above, or modify an existing wastewater discharge permit under Section 10.04.09 (4) above.

- (C) No industrial user shall implement the planned changed conditions(s) until and unless the Manager of City Water and Light Plant 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 industrial wastes discharge permit, and/or the discharge of any previously unreported pollutants, shall be deemed significant.

(6) Reports of Potential Problems

- (A) In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW [including a violation of the prohibited discharge standards in Sections 10.04.07 (1) and (4) of the Jonesboro Municipal Code], it is the responsibility of the industrial user to immediately telephone and notify the Manager of City Water and Light Plant 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, 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 of City Water and Light of potential problem discharges shall be deemed a separate violation of this ordinance.
- (D) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Section 10.04.10 (6) (A) above. 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 Nonsignificant Industrial Users

All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the Manager of City Water and Light Plant as the Manager may require.

(8) Notice of Violation/ Repeat Sampling and Reporting

If sampling performed by an industrial user indicates a violation, the industrial user must notify the Control Authority (the Manager of City Water and Light Plant) 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 the Control Authority (the Manager) within 30 days after becoming aware of the violation. The industrial user is not required to re-sample if the POTW performs compliance monitoring of the industrial user's wastewater discharge at least once a month, or if the POTW performs compliance monitoring which indicates compliance, between the industrial user's initial sampling and when the industrial user receives the results of initial sampling indicating a permit violation.

(9) Notification of the Discharge of Hazardous Waste

- (A) Any industrial user who commences the discharge of hazardous waste shall notify the Manager of City Water and Light Plant, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the

industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user:

- 1) an identification of the hazardous constituents contained in the wastes;
 - 2) an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and
 - 3) an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than 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 under Section 10.04.10 (5) above. 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) above.
- (B) Dischargers are exempt from the requirements of paragraph (A) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30 (d) and 261.33 (e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30 (d) and 261.33 (e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.
- (C) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the Manager of City Water and Light Plant, 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 a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, 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, sampling and analyses must be performed in accordance with procedures approved by the EPA.

(11) Sample Collection

- (A) Except as indicated in Section B below, the industrial user should collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Manager of City Water and Light Plant may authorize the use of time proportional sampling or through a minimum of four (4) grab samples where the use demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- (B) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

(12) Determination of Noncompliance

The Manager of City Water and Light Plant may use a grab sample(s) as a compliance screening tool.

Where grab sample(s) suggest noncompliance, the Manager and/or the Industrial User should re-sample the user's effluent using composite techniques until consistent compliance is again demonstrated.

(13) Timing

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

(14) Recordkeeping

Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this ordinance. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with this ordinance, or where the industrial user has been specifically notified of a longer retention period by the Manager of City Water and Light Plant.

10.04.11 - COMPLIANCE MONITORING

(1) Inspection and Sampling

The Manager of City Water and Light shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this ordinance, and any 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 or his representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (A) Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from City Water and Light Plant of Jonesboro, Arkansas, State, and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.
- (B) The Manager of City Water and Light Plant, State, and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- (C) The Manager of City Water and Light Plant may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated [regularly and periodically] to ensure their 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 of City Water and Light Plant and shall not be replaced. The costs of clearing such access shall be born by the industrial user.
- (E) Unreasonable delays in allowing authorized City Water and Light Plant personnel access to the industrial user's premises shall be a violation of the City of Jonesboro Municipal Code.

(2) Search Warrants

If the Manager of City Water and Light Plant has been refused access to a building, structure or property or any part thereof, and if the Manager is able to demonstrate probable cause to believe that there may be a violation of Chapter 10.04 the City of Jonesboro Municipal Code or that there is a need to inspect as part of a routine inspection program of City Water and Light Plant 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 of City Water and Light through the City Water and Light Plant Attorney, the Municipal Court of the City of Jonesboro shall issue a search

and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the Manager in the company of an uniformed police officer of the City of Jonesboro. In the event of an emergency effecting public health and safety, inspections may be made without the issuance of a warrant.

10.04.12 - CONFIDENTIAL INFORMATION

Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from City Water and Light Plant of Jonesboro, Arkansas 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 of City Water and Light Plant, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable law. When requested and demonstrated by the industrial user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined 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 of City Water and Light Plant shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- (A) chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater pollutant measurements taken during a six-month period, as determined by EPA Region 6 criteria, exceed their Industrial User Permit daily maximum limit or average limit for the same pollutant parameter by any amount;
- (B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the Industrial User Permit daily maximum limit or the average limit multiplied by the applicable criteria [1.4 for BOD's TSS, fats, oils and grease, and 1.2 for all other pollutants except pH];
- (C) any other discharge violation that the Manager believes has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of City Water and Light Plant (CWL) personnel or the general public);
- (D) any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in City Water and Light Plant (CWL) exercising its emergency authority to halt or prevent such a discharge;
- (E) failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (F) failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G) failure to accurately report noncompliance; or
- (H) any other violation(s) which the Manager of City Water and Light Plant 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 of City Water and Light Plant finds that any user has violated or is violating this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the Manager or his agent may serve upon said user a written Notice of Violation. Within twenty (20) calendar days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the industrial user to the Manager of City Water and Light Plant. Submission of this plan in no way relieves the industrial user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Manager of City Water and Light Plant to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(2) Consent Orders

The Manager of City Water and Light Plant is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders may include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as the administrative orders issued pursuant to Sections 10.04.14 (4) and (5) below and shall be judicially enforceable.

(3) Show Cause Hearing

The Manager of City Water and Light Plant may order any user which causes or contributes to violation(s) of this ordinance, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the Board of Directors of City Water and Light Plant, or a hearing panel designated by the Board, and show cause why a proposed enforcement action should not be taken. Notice shall be served on the industrial user specifying the time and place for the show cause hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served at least ten (10) working days prior to the hearing. Such notice may be served in any method or manner permitted under Arkansas Law, or Arkansas Rules of Civil Procedure. Service of notice shall be sufficient when served by certified mail, return receipt requested, and delivered to the addressee only, at the address of the user shown on any wastewater discharge permit issued to it by the Manager of City Water and Light Plant. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.

(4) Compliance Orders

When the Manager of City Water and Light Plant finds that a user has violated or continues to violate the ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance. If the user does not come into compliance within the time specified in 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 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 user.

(5) Cease and Desist Orders

When the Manager of City Water and Light Plant finds that a user is violating this ordinance, the user's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Manager may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (A) immediately comply with all requirements.
- (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.
- (C) Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.

(6) 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) below, 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) above and 10.04.14 (7) below.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(7) Termination of Discharge

In addition to those provisions in Section 10.04.09 (6) above, 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 this ordinance why the proposed action should not be taken.

10.04.15 - JUDICIAL ENFORCEMENT REMEDIES

(1) Injunctive Relief

Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, City Water and Light Plant may petition a Court of competent jurisdiction through the Manager of City Water and Light Plant and the City Water and Light Plant Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by Chapter 10.04 of the Jonesboro Municipal Code on activities of the industrial user. Such other action as appropriate for legal and/or equitable relief may also be sought by City Water and Light Plant. 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 Title 10, Chapter 10.04 of the Jonesboro Municipal Code, any order or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be liable to City Water and Light Plant of Jonesboro, Arkansas for a maximum civil penalty of One Thousand Dollars (\$1,000.00) per violation per day, as provided by Arkansas Code of 1987 Annotated, including 1995 Supplement Volume 6A, 8-4-103 (g) et seq. In the case of violation of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (B) Such civil penalties shall be recoverable in a Court of competent jurisdiction; but, as provided by Arkansas Code of 1987 Annotated, including 1995 Supplement Volume 6A, 8-4-103 (g) et seq., such civil proceeding may be initiated only after a majority vote of the City Water and Light Plant Board of Directors resolving to pursue such civil penalty.
- (C) City Water and Light Plant 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 City Water and Light Plant.
- (D) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation (such economic benefit shall minimally be that determined in accord with EPA Guidance Manual for POTWS to Calculate the Economic Benefit of Noncompliance dated August, 1997, corrective actions by the user, the compliance history of the user, and any other factors as justice requires).
- (E) Filing a suit seeking civil penalties shall not be a prerequisite for taking any other action against an industrial user.

(3) Criminal Prosecution

- (A) Any user that willfully or negligently violates any provision of Title 10, Chapter 10.04 of the Jonesboro Municipal Code, any orders or wastewater discharge permits issued hereunder, or any other pretreatment 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 Arkansas Code of 1987 Annotated, including 1995 Supplement Volume 6A, 8-4-103 (g) et seq.
- (B) Any 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, wastewater discharge permit or order, 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 Arkansas Code of 1987 Annotated, including 1995 Supplement Volume 6A, 8-4-103 (g) et seq.

- (C) As provided by Arkansas Code of 1987 Annotated, including 1995 Supplement Volume 6A, 8-4-103 (g) et seq., no criminal prosecution under the foregoing subparagraphs (A) and (B) above, may be initiated except upon a majority vote of the City Water and Light Plant Board of Directors resolving to pursue such criminal prosecution.
- (D) The criminal penalties provided in the foregoing subparagraphs (A) and (B) above, shall be in addition to any other cause of action for personal injury or property damage available under State law, and shall be in addition to civil penalties which may be assessed under Section 10.04.15 (2) above.

(4) Remedies Nonexclusive

The provisions in Sections 10.04.13, 10.04.14, 10.04.15, and 10.04.16 of the Jonesboro Municipal Code are not exclusive remedies. City Water and Light Plant of Jonesboro, Arkansas reserves the right to take any, all, or any combination of these actions against a noncompliance user. Enforcement of pretreatment violations will generally be in accordance with City Water and Light Plant's Enforcement Response Plan. However, City Water and Light Plant of Jonesboro, Arkansas shall have the right to take other action against any user when the circumstances warrant. Further, City Water and Light Plant of Jonesboro, Arkansas is empowered to take more than one enforcement action against any noncompliance user. These actions may be taken concurrently.

10.04.16 - SUPPLEMENTAL ENFORCEMENT ACTION

(1) Performance Bonds

The Manager of City Water and Light Plant may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this ordinance, any orders, or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond, payable to City Water and Light Plant, in a sum not to exceed a value determined by the Manager of City Water and Light Plant to be necessary to achieve consistent compliance.

(2) Liability Assurance

The Manager of City Water and Light Plant may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this ordinance, any order, or a previous wastewater discharge permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(3) Water Supply Severance

Whenever a user has violated or continues to violate the provisions of this ordinance, orders, or wastewater discharge permits issued hereunder, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(4) Public Nuisances

Any violation of this ordinance, wastewater discharge permits, or orders issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Manager of City Water and Light Plant or his designee. Any person(s) creating a public nuisance shall be required to reimburse City Water and Light Plant or the City of Jonesboro for any costs incurred in removing, abating or remedying said nuisance.

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) below, are met.
- (C) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - i) an upset occurred and the industrial user can identify the causes(s) of the upset.
 - ii) the facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
 - iii) the industrial user has submitted the following information to the POTW and treatment plant operator within 24 hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - a) a description of the indirect discharge and cause of noncompliance;
 - b) the period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c) steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- (D) In any enforcement proceeding, the 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 or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of electric power of the treatment facility is reduced, lost or fails.

(2) General/ Specific Prohibitions

An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 10.04.06 above, if it can prove that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

- (A) a local limit exists for each pollutant discharged and the 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 or disposal requirements.

(3) Bypass

- (A) i) "Bypass" means the intentional diversion of wastestreams 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 it also is 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) below.
- (C)
 - i) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten 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 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)
 - i) Bypass is prohibited, and the Manager of City Water and Light Plant 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) above.
 - ii) The Manager of City Water and Light Plant may approve an anticipated bypass, after considering its adverse effects, if the Manager determines that it will meet the three conditions listed in Section 10.04.17 (3) (D) (i) above.

10.04.18 - SURCHARGE COSTS

The Manager of City Water and Light Plant may charge non-residential POTW users who discharge wastewater into the Jonesboro POTW having BOD₅ in excess of 250 mg/l, total suspended solids in excess of 250 mg/l, or oil and grease in excess of 100 mg/l a surcharge in addition to the normal metered charge for sewer service. The sewer surcharge shall be based on the following formula:

$$S = V_{ww} \times 8.34 \{ [C_{BOD}(BOD_5 - 250)] + [C_{SS}(SS - 250)] + [C_{O\&G}(O\&G - 100)] \}$$

Where: S = Surcharge in dollars

V_{ww} = Wastewater in millions of gallons

8.34 = Weight of water in pounds per gallon

C_{BOD} = ¹Unit charge for BOD₅ in dollars per pound

BOD₅ = Monthly average five-day BOD of non-residential user's wastewater, in mg/l (250 mg/l or more)

- 250 = Concentrations in mg/l above which both BOD₅ and SS are defined as "unusual" and above which a surcharge may be assessed
- C_{SS} = ¹Unit charge for SS in dollars per pound
- SS = Monthly average suspended solids content of non-residential user's wastewater, in mg/l (250 mg/l or more)
- C_{O&G} = ¹Unit Charge for Oil and Grease concentrations in excess of 100 mg/l in dollars per pound
- O&G = Oil and Grease contained in non-residential user's wastewater, in mg/l (100 mg/l or more)
- 100 = Concentration in mg/l above which oil and grease is deemed excessive and above which a surcharge may be assessed

¹Unit charges for unusual BOD₅, unusual suspended solids, and for oil and grease in excess of 100 mg/l shall be the then-current surcharges set forth in the City Water and Light Plant of Jonesboro, Arkansas Sewer Service Rate Schedule.

10.04.19 - MISCELLANEOUS PROVISIONS

(1) Pretreatment Charges and Fees

The City Water and Light Plant of Jonesboro, Arkansas may adopt reasonable administrative charges and fees for reimbursement of costs of setting up and operating the City Water and Light Plant Pretreatment Program which may include:

- (A) Fees for 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 collection 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.
- (E) Other fees as the City Water and Light Plant 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 City Water and Light Plant.

(2) Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, 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.

The provisions of Sections 10.12.01, 02, and 03 are specifically repealed.

SECTION 2. Effective Date

That the Jonesboro City Council hereby determines that Title 10 Chapter 10.04 (Sewer Regulations) of the Jonesboro Municipal Code shall be revised to enable effective operation of City Water and Light Plant's sewage treatment plant and implementation of the Jonesboro, Arkansas Industrial Pretreatment Program; that such passage of this ordinance is necessary to enable such operation. Therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

INTRODUCED the _____ day of _____, 1999.
 FIRST READING _____ day of _____, 1999.
 SECOND READING _____ day of _____, 1999.
 PASSED this _____ day of _____, 1999.

AYES:

NAYES:

ABSENT:

NOT VOTING:

Year	2010	2011	2012	2013
Q1	1.2	1.5	1.8	2.1
Q2	1.5	1.8	2.1	2.4
Q3	1.8	2.1	2.4	2.7
Q4	2.1	2.4	2.7	3.0
Q5	2.4	2.7	3.0	3.3
Q6	2.7	3.0	3.3	3.6
Q7	3.0	3.3	3.6	3.9
Q8	3.3	3.6	3.9	4.2
Q9	3.6	3.9	4.2	4.5
Q10	3.9	4.2	4.5	4.8
Q11	4.2	4.5	4.8	5.1
Q12	4.5	4.8	5.1	5.4
Q13	4.8	5.1	5.4	5.7
Q14	5.1	5.4	5.7	6.0
Q15	5.4	5.7	6.0	6.3
Q16	5.7	6.0	6.3	6.6
Q17	6.0	6.3	6.6	6.9
Q18	6.3	6.6	6.9	7.2
Q19	6.6	6.9	7.2	7.5
Q20	6.9	7.2	7.5	7.8
Q21	7.2	7.5	7.8	8.1
Q22	7.5	7.8	8.1	8.4
Q23	7.8	8.1	8.4	8.7
Q24	8.1	8.4	8.7	9.0
Q25	8.4	8.7	9.0	9.3
Q26	8.7	9.0	9.3	9.6
Q27	9.0	9.3	9.6	9.9
Q28	9.3	9.6	9.9	10.2
Q29	9.6	9.9	10.2	10.5
Q30	9.9	10.2	10.5	10.8
Q31	10.2	10.5	10.8	11.1
Q32	10.5	10.8	11.1	11.4
Q33	10.8	11.1	11.4	11.7
Q34	11.1	11.4	11.7	12.0
Q35	11.4	11.7	12.0	12.3
Q36	11.7	12.0	12.3	12.6
Q37	12.0	12.3	12.6	12.9
Q38	12.3	12.6	12.9	13.2
Q39	12.6	12.9	13.2	13.5
Q40	12.9	13.2	13.5	13.8
Q41	13.2	13.5	13.8	14.1
Q42	13.5	13.8	14.1	14.4
Q43	13.8	14.1	14.4	14.7
Q44	14.1	14.4	14.7	15.0
Q45	14.4	14.7	15.0	15.3
Q46	14.7	15.0	15.3	15.6
Q47	15.0	15.3	15.6	15.9
Q48	15.3	15.6	15.9	16.2
Q49	15.6	15.9	16.2	16.5
Q50	15.9	16.2	16.5	16.8
Q51	16.2	16.5	16.8	17.1
Q52	16.5	16.8	17.1	17.4
Q53	16.8	17.1	17.4	17.7
Q54	17.1	17.4	17.7	18.0
Q55	17.4	17.7	18.0	18.3
Q56	17.7	18.0	18.3	18.6
Q57	18.0	18.3	18.6	18.9
Q58	18.3	18.6	18.9	19.2
Q59	18.6	18.9	19.2	19.5
Q60	18.9	19.2	19.5	19.8
Q61	19.2	19.5	19.8	20.1
Q62	19.5	19.8	20.1	20.4
Q63	19.8	20.1	20.4	20.7
Q64	20.1	20.4	20.7	21.0
Q65	20.4	20.7	21.0	21.3
Q66	20.7	21.0	21.3	21.6
Q67	21.0	21.3	21.6	21.9
Q68	21.3	21.6	21.9	22.2
Q69	21.6	21.9	22.2	22.5
Q70	21.9	22.2	22.5	22.8
Q71	22.2	22.5	22.8	23.1
Q72	22.5	22.8	23.1	23.4
Q73	22.8	23.1	23.4	23.7
Q74	23.1	23.4	23.7	24.0

APPROVED this ____ day of _____, 1999.

Hubert Brodell - Mayor

ATTEST:

Donna K. Jackson - City Clerk

Published: _____ Date: __/__/__
Publication