

VAN BUREN MUNICIPAL UTILITIES

**MUNICIPAL
PRETREATMENT
DOCUMENT**

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PROGRAM DESCRIPTION

Van Buren Municipal Utilities Pretreatment Program Summary

I. Introduction

The purpose of the pretreatment program for the City of Van Buren, Arkansas, and the associated Ordinances adopted by the administrative body of the City, the City Council, is to provide for the use of the City's wastewater sewerage system by industries served by it without damage to the physical facilities, without impairment of their normal function of collecting, treating and discharging domestic wastewater, and without the discharge by the City's wastewater treatment system of pollutants which would violate the discharge allowed under its National Pollutant Discharge Elimination System (NPDES) permit and the applicable rules of all governmental authorities with jurisdiction over such discharges.

The Pretreatment Program and changes being enabled by USEPA regulation and termed "streamlining" allow the Pretreatment Control Authority (the City of Van Buren) the key role in the enforcement of the Pretreatment program through the development and implementation of the Enforcement Response Plan in the pretreatment documentation.

II. Objectives

The objectives of the pretreatment program and the associated documents shall be in accordance with 40 CFR 403.2(a), (b), and (c) as follows:

1. To prevent the introduction of pollutants into POTWs which will interfere with the operation of a POTW, including interference with its use or disposal of municipal sludge;
2. To prevent the introduction of pollutants into POTWs which will pass through the treatment works or otherwise be incompatible with such works; and
3. To improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

VAN BUREN INDUSTRIAL PRETREATMENT PROGRAM

I. APPLICATION TO DISCHARGE:

All industrial entities desiring to discharge to the sanitary sewage collection and treatment system of the City of Van Buren, Arkansas must first apply to the Van Buren Municipal Utilities (VBMU) for water and sewerage service and pay required deposits. Prior to service, the VBMU advises such entities desiring to discharge that they must apply for and receive a permit to discharge to the systems of the City of Van Buren. VBMU personnel shall notify the Environmental Coordinator of new users for the purpose of industrial user classification and monitoring of the status of the proposed and subsequently provided service. Applications for Permit Form, Appendix A-1, are available from the VBMU business office, 2806 Bryan Road, P.O. Drawer 1269, Van Buren, Arkansas 72957. Permit applications and permit requirements are also available from the Van Buren Chamber of Commerce and from the Van Buren City Hall who shall make such information known to prospective industrial entities contacting those offices.

The permit requires the providing of the following information to the Director in written documentation delivered in person, by express courier, or by certified U.S. Mail:

- 1) The name and mailing address of the industrial discharger (or potential discharger).
- 2) The location of the industrial discharger (or potential discharger). The location may be by street address, coordinates, and/or a descriptive location adequate to define the site of the discharge.
- 3) The nature and Standard Industrial Classification Code (SIC) of the operation(s) carried out by the industrial discharger (proposed discharger).
- 4) The average and maximum anticipated rate of flow from such industrial discharger (or potential discharger) to the Van Buren Public Sewerage System in liters per day and liters per minute. (Flows shall also be reported in gallons per day and gallons per minute.)
- 5) The nature and the concentration of pollutants in the discharge from each process from the industrial discharger (or potential discharger). Minimum pollutants to be reported are BOD₅, total suspended solids, pH and temperature. If there is potential for containing the other treatment process limiting pollutants or if required by the Department, concentration shall be reported on, but not limited to, the following:

Biochemical Oxygen Demand	Nickel
Total Suspended Solids	Selenium
Cadmium	Zinc
Chromium	Arsenic
Copper	pH (Standard Units)

Lead
Mercury
Molybdenum

Temperature (°C)
Phenols

Pollutant concentration shall be reported or estimated in micrograms per liter and total estimated contribution per day in grams or kilograms. Significant organic pollutants shall also be estimated or reported.

- 6) A statement, reviewed by an authorized representative of the industrial discharger (or potential discharger), indicating whether the pretreatment standards of the City of Van Buren are being met (or should be met by a potential discharger) on a consistent basis and, if not, whether additional pretreatment is required for the discharge to meet the standards.
- 7) A time based schedule shall be submitted which stipulates what tasks shall be accomplished at what time in order to comply with the discharge standards. The shortest schedule of time shall be provided whereby the industrial discharger shall provide needed additional pretreatment or correct any operation and maintenance defects.

II. USER SURVEYS:

All significant industrial users as defined by Ordinance #26-2009 must obtain a permit in order to discharge. Dischargers deemed not to be a significant industrial user will not be required to be so permitted.

All existing industries shall be surveyed at intervals not greater than 36 months to ascertain compliance with the Pretreatment Program of the City of Van Buren. Industrial and commercial contributors to the Sanitary Sewerage System shall be surveyed to determine if they are a significant contributor as defined by the Pretreatment Ordinance and to determine if they should be included within the City's Pretreatment Program. Survey forms shall be mailed and/or hand delivered by the Pretreatment Officer to industrial and commercial users. A copy of the survey form is enclosed, as Appendix A-2. The Pretreatment Officer will contact all users not responding or responding incompletely personally or by telephone within 6 months of the dates of the survey form being mailed. Failure to respond beyond the follow-up shall be treated as being in significant non-compliance subject to enforcement response procedures for non-reporting. Users determined to be subject to pretreatment standards shall be notified within 30 calendar days of such determination by certified mail. Users shall be required to certify that to their belief and knowledge that the user does not discharge non-complying toxics into the wastewater system, Appendix A-3. Failure to do so shall be cause to implement a monitoring program.

III. MONITORING:

Monitoring of the industries to determine compliance shall be accomplished by the Department with scheduled monitoring, unscheduled monitoring, demand monitoring, and self-monitoring.

Inspections for the purpose of monitoring compliance shall be documented by the Environmental Coordinator or other designated representative of the Environmental Coordinator by the

completion of an Inspection Report form, Appendix A-5. These shall be maintained for record and used to document compliance, non-compliance, need for additional monitoring, and need for enforcement response.

Each circumstance of sample collection for the purpose of compliance monitoring shall be documented by the completion of an Effluent Discharge Monitoring form, Appendix A-6, by the Environmental Coordinator.

Each circumstance of inspection of flow measurement devices for the purpose of calibration or verification shall be documented by the completion of a Flow Calculation Sheet form, Appendix A-7, by the Environmental Coordinator or designated representative of the Environmental Coordinator.

A) Scheduled Monitoring:

Scheduled monitoring shall be accomplished by the Department at frequency intervals not greater than annually. The frequency of the scheduled monitoring shall be established annually when the permit for the Industrial User is reviewed. The frequency of scheduled monitoring shall be arbitrary dependent upon the nature of the waste being discharged by the Industrial User and the significance of possible non-compliance for the treatment works. Scheduled monitoring shall accomplish the following:

- 1) Check for Pretreatment Program and Ordinance Compliance
- 2) Determine appropriate user charges
- 3) Completion of any forms required by regulatory or enforcement agencies.

The schedule of scheduled monitoring shall be confidential. However, unless the schedule frequency required is daily, Industrial Users shall be given at least one (1) hours notice prior to the occurrence.

Scheduled monitoring shall include on site inspection of any pretreatment facilities, sources of actual or potential discharge to the sewer system, sampling, and flow measurement devices. A written report of each incident of scheduled monitoring shall be made to the industry so monitored.

B) Unscheduled Monitoring:

The Department shall make unscheduled monitoring to spot check industrial dischargers. Unscheduled monitoring shall not require prior notification to the industry but only a cursory inspection of the facilities shall be made. Sampling shall be made via grab samples, composite sampling, and flow measurement with the facilities available. Unscheduled monitoring shall be for the purpose of spot-checking compliance and determining if more formal monitoring or more frequent scheduled monitoring is appropriate. The results of unscheduled monitoring will be maintained on record in the Van Buren Municipal Utilities laboratory office with the results routinely reported to the industry monitored.

C) Demand Monitoring:

Demand monitoring shall be conducted at any time that prohibited pollutants are detected in the sewerage system for the purpose of locating the source of such pollutants.

D) Self-Monitoring:

Self-monitoring is required for all significant industrial dischargers. Specific self-monitoring may be required by an individual discharger's permit (i.e. flow, pH, temperature, BOD₅, suspended solids, specific toxic pollutants, etc.). Periodic reports of required self-monitoring shall be transmitted to the Director at intervals designated by the permit.

Scheduled monitoring, unscheduled monitoring, and demand monitoring only shall be used for enforcement activities. Self-monitoring may be utilized for the purposes of assessing applicable fees and charges.

E) Monitoring Equipment:

If required by permit conditions, an industrial discharger shall install and maintain a special control manhole designed to provide sufficient access for sampling and an appropriate control surface for flow measurement. Also, if required, permanent flow recording equipment of a type determined by the director to be compatible with the Department's monitoring equipment shall be installed. If required by the permit or subsequent revisions to the permit permanent sampling equipment of a type satisfactory to collect 24-hour composite samples (flow weighted if deemed necessary by the Department) shall be installed and shall be maintained by the Discharger. The cost of operating and maintaining the required facilities shall be the responsibility of the Discharger involved. Monitoring shall be accomplished with (1) grab samples, in which a single volume of wastewater is obtained and analyzed, (2) time weighted composite samples, in which grab samples are collected at timed sequences and combined in a single reservoir, and (3) flow weighted samples, in which incremental samples are collected and combined in proportion to the total wastewater flow.

If available, automatic equipment will be utilized to collect composite samples. All monitoring reports shall indicate the method by which the sample is collected. The industrial contributor shall be offered an equal portion of those samples collected by the Department for scheduled monitoring or demand monitoring.

F) Sample Preservation:

Samples shall be preserved and tested in accordance with the recommendations of "Standard Methods" (latest edition approved by the USEPA) or other recognized and approved standard procedure.

G) Sample Records:

Self-monitoring sample reports shall specify the name of the Discharger's employee or representative collecting the sample, and the method of transporting the sample, and the name of the technician or private laboratory performing the analyses.

All samples shall be tagged with the identifier and shall be logged with such pertinent information as date, time, and location of the sampling. The splitting of any sample shall be done in the presence of an authorized Department employee. Only authorized Department employees shall have possession of the samples collected for scheduled or demand monitoring between collection and delivery to the laboratory. Numbered log receipts shall be maintained for each transfer of sample possession.

All samples collected for the purpose of monitoring shall be accompanied by a chain of custody record to be completed to document sampling and handling of samples. The Chain of Custody Record form is included as Appendix A-8.

IV. EXISTING TREATMENT FACILITIES:

A) Van Buren Main (South) Plant

NPDES No. AR0021482; AFIN 17-00062

Location: Latitude 35°25'9.04"
Longitude 94°20'19.35"

Capacity: 4.0 MGD

Process: Screening unit, aerated lagoon - activated sludge system, final clarifiers, and UV disinfection

Industrial Contribution: 27.2% by volume
(*data from 2008-2009 Pretreatment year)

Inhibition/Pass Through/Sludge Contamination: Plant modifications completed in 2009 improved treatment for Biochemical Oxygen Demand, Biochemical Oxygen Demand, Fecal Coliform and Ammonia Nitrogen. No pass through or sludge contamination is perceived at time of this publication (January 2010).

Sludge Disposal: Present sludge disposal is by land application to property owners and is controlled by the Department. Sludge is removed from the lagoons periodically (at approximate 2 year intervals) by dredging and is surface applied and incorporated by disking, or is applied by subsurface injection. The land application process is permitted by the Arkansas Department of Environmental Quality.

B) Van Buren North Plant

NPDES No. AR0040967

Location: Latitude 35°28'19.24"
Longitude 94°23'27.01"

Capacity: 2.0 MGD

Process: Bar screens, three individual systems of oxidation ditches with the final clarifiers operated in parallel (at any time or any combination of the three systems may be operated) followed by UV disinfection. Equalization pond is used during wet weather conditions. The wastewater from the equalization pond is pumped through the wastewater treatment system.

% Industrial Contribution: 0.79%

Inhibition/Pass Through/Sludge Contamination: None.

Sludge Disposal: Plant design provides for on site, long term, aerobic storage with continued plans for periodic land application for disposal to permitted disposal sites.

C) Van Buren/Lee Creek Industrial Park (Bekeart):

NPDES No. AR0037567

Location: Latitude 35°27'11.84"
Longitude 94°23'32.94"

Capacity: 0.004 MGD

Process: Extended aeration activated sludge package plant and chlorine disinfection.

% Industrial Contribution: 0%

Inhibition/Pass Through/Sludge Contamination: None

Sludge Disposal: Sludge is stored in a holding tank and transported by the city to its Northside Treatment Plant (AR0040967) for disposal.

Comments: The treatment plant receives sanitary wastewater from Bekaert Steel Wire Corporation, the Field of Dreams Sports Complex (seasonal), and the Arkansas Department of Highways and Transportation's Van Buren Rest Area on Interstate 40. Bekaert Steel Wire Corporation has separate process wastewater collection, treatment, and disposal.

V. PERMITS:

Industrial User Permits are issued for all significant Industrial Dischargers based on application by the user or proposed user. Permits are issued for a period of three (3) years unless revoked. Permits are issued to a specific discharger and are not assignable without the written permission of the Commission. Permits are not transferable to another location.

Industrial User Permits are written with a specified discharge date and it is the responsibility of the discharger to apply for any modifications to the permit and for renewal not later than 90 days prior to the expiration of the effective permit.

Violations of permits include administrative, civil and criminal penalties as established by City Ordinance. Penalties may include monetary penalties for the over discharge of any regulation parameter, assessment of costs for damages caused by violating discharges, and criminal penalties.

VI. CONTROL OF CONTRIBUTORS TO THE POTW:

The City may control discharges to the POTW from Industrial Users through the Pretreatment Ordinance. The Ordinance denies the connection of a significant user to the system without a valid discharge permit. The City's Sewer Use Ordinance also regulates domestic dischargers. Authority to develop such ordinances is derived from the conferred by Federal Law, State Law, and by City Ordinance.

VII. SLUG CONTROL EVALUATIONS

The Ordinance requires users regulated by the Ordinance to report immediately to the Department slug discharges as defined by 10.08.02.1.2.j) with follow-up written notice within five (5) days, 10.08.02.3.(c)

The Ordinance requires procedures for the prevention of impact from slug discharges including monitoring and clean-up.

The ordinance designates the responsibility of liability that may be imposed resulting from such slug load discharge.

VIII. BEST MANAGEMENT PRACTICES (BMPs)

The Ordinance 10.08.02.2.5 provides for the development of Best Management Practices (BMPs) at the discretion of the Director in individual wastewater discharge permits to implement specific pollutant limitations. These BMP's shall be considered Local Limits and Pretreatment Standards.

IX. PRETREATMENT PROGRAM UPDATING:

The validity of the pretreatment program requirements and the conformance with changing regulations are determined by information released through trade journals, the Congressional Federal Register, and through pretreatment seminars produced by USEPA and ADEQ. This program is to be maintained by information derived from Water Environment Federation journals, which shall be available to the Environmental Coordinator and the director, and through regular attendance of the pretreatment seminars by the Environmental Coordinator. The Commission's Engineer also provides literature information regarding current pretreatment requirements through monitoring of trade and professional journals and through attendance of technical seminars.

PRETREATMENT ORDINANCES

ORDINANCE No. 26-2009

ORDINANCE No. 27-2009

ORDINANCE NO. 26-2009

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE DISCHARGE OF WASTEWATERS INTO THE WASTEWATER TREATMENT SYSTEM OF THE CITY OF VAN BUREN, ARKANSAS, REPEALING VAN BUREN MUNICIPAL CODE CHAPTER 10.08 WITH EXCEPTIONS AND SUBSTITUTING THE PROVISIONS HEREIN SET OUT AND DECLARING AN EMERGENCY.

WHEREAS, the Clean Water Act, 33 U.S.C. 1251 et seq, as amended (hereinafter referred to as the "Act") has resulted in an unprecedented program of cleaning up our Nation's waters;

WHEREAS, this City has previously passed an Ordinance which is codified as Chapter 10.08 of the Van Buren Municipal Code. That amendments to said previous Chapter had become necessary and it is the intent of this Ordinance to repeal the previous Ordinance and substitute the terms and conditions contained within this Ordinance for said previous Chapter.

WHEREAS, this City seeks to provide for the use of its wastewater treatment system by industries served by it without damage to the physical facilities, without impairment of their normal function of collecting, treating and discharging domestic wastewater, and without the discharge by this City's wastewater treatment system of pollutants which would violate the discharge allowed under its National Pollutant Discharge Elimination System (NPDES) permit and the applicable rules of all governmental authorities with jurisdiction over such discharges.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the City Council of the City of Van Buren, County of Crawford, State of Arkansas, as follows:

SECTION 10.08.01 DEFINITIONS

Abbreviations The following abbreviations shall have the designated meanings:

ADEQ – Arkansas Department of Environmental Quality

AO – Administrative Order

BOD – Biochemical Oxygen Demand

BMP – Best Management Practice

BMR – Baseline Monitoring Report

CFR – Code of Federal Regulations

CIU – Categorical Industrial User

COD – Chemical Oxygen Demand

CBOD – Carbonaceous Biochemical Oxygen Demand

EPA – Environmental Protection Agency

gpd – gallons per day

l – Liter

mg/L – milligrams per liter

NPDES – National Pollutant Discharge Elimination System
NSCIU – Non-significant Categorical Industrial User
O & M – Operation & Maintenance
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIC – Standard Industrial Classification
SIU – Significant Industrial User
SNC – Significant Noncompliance
SWDA – Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
TSS – Total Suspended Solids
U.S.C. – United States Code
USEPA – United States Environmental Protection Agency

Act The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq

Administrative Order Enforcement document issued by the Director which directs industrial user(s) to undertake or cease specified activities.

Approval Authority Director of the Arkansas Department of Environmental Quality (ADEQ)

Authorized Representative or Duly Authorized Representative of the User

1. If the industrial user is a corporation:
 - a. the president, secretary, treasurer or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. the manager of one or more manufacturing, production or operation facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. If the industrial user is a partnership or sole proprietorship: a general partner or proprietor, respectively;
3. If the industrial user is a Federal, State or local government facility: a director or highest official appointed or designated to oversee the

operation and performance of the activities of the government facility, or their designee;

4. The individuals described in paragraphs 1 through 3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or the 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 City.

Best Management Practice	Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 10.08.02.1(1.1) [40 CFR 403.5(a)(1) and (b)]. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
BOD ₅	Biochemical Oxygen Demand means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20°C, usually expressed as a concentration (milligrams per liter).
CBOD ₅	Carbonaceous Biochemical Oxygen Demand means the quantity of oxygen utilized in the biochemical oxidation of organic matter, with the addition of nitrification inhibitor, under standard laboratory procedures in five (5) days at 20°C, usually expressed as a concentration (milligrams per liter).
Categorical Pretreatment Standard or Categorical	Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the ACT (33 U.S.C. Section 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Standard Parts 405-471.
Categorical Industrial User	An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.
City	The City of Van Buren, Arkansas.
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.
Consent Order	An agreement between the Commission and an industrial user containing: 1) Compliance Schedule(s) 2) Stipulated fines or remedial actions; and

3) Signatures of the Commission and industry representatives.

Cooling Water	The water discharged from any use such as air conditioning, cooling or refrigeration during which the only pollutant added to the water is heat.
Commission	The Van Buren Municipal Utilities Commission which shall be the administrative representative of the City relative to this Ordinance.
Composite Sample	The sample resulting from the combination of individual wastewater samples taken at select intervals based in increment of either flow or time.
Control Authority	The City.
Conventional	Such pollutants as BOD ₅ , suspended solids, pH, fecal coliform bacteria, and other such pollutants as are now or may be in the future specified and controlled in this City's NPDES permit for its waste treatment works for which said works have been designed and used to remove such pollutants.
Department	The Van Buren Municipal Utilities
Director	The Director of the Van Buren Municipal Utilities, or authorized representative, operating under the immediate direction of the Van Buren Municipal Utilities Commission.
Environmental Protection Agency	The U.S. Environmental Protection Agency or EPA
Existing Source	Any source of discharge that is not a "New Source".
Grab Sample	A sample which is taken from waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
Indirect Discharge	The introduction of pollutants into the POTW from any non-domestic source.
Industrial User or User	A source of indirect discharge
Interference	A discharge which alone or in conjunction with a discharge or discharges from other sources: inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City'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 there under, 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.

Local Limits	The effluent limitations developed for Industrial Users by the Director to specifically protect the Publicly Owned Treatment Works (POTW) from "Interference and "Passthrough" based on site-specific design and disposal limits and conditions of the POTW. Local limits are developed to assure that IU discharges to POTWs do not cause the POTW to violate its permit limits, upset the POTW's biological, chemical or physical treatment processes, prevent the disposal of biosolids (sludge), impact worker health and safety or harm the collection system infrastructure.
May	Is permissive or discretionary.
Medical Wastes	Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, dialysis wastes and any pharmaceutical medications, prescription or 'over the counter', used or expired.
NPDES	National Pollutant Discharge Elimination System permits program as administered by the U.S. EPA or the ADEQ
National Pretreatment Standard, Pretreatment Standard, or Standard	Any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency (USEPA) in accordance with section 307(b) & (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 403.5.
New Source	(1) 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: (a) The building, structure, facility or installation is constructed at a site which no other source is located; or (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (c) The production or wastewater generation 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 integrated with the existing plant, and the extent to which the new facility is engaged in the same general style of activity as the existing source, should be considered.

- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create new building, structure, facility or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (a) Begun, or caused to begin as a part of a continuous onsite construction program.
 - (i) Any placement, assembly, or installation of facilities or equipment, or
 - (ii) 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
 - (b) 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.

O and M	Operation and Maintenance
Other Waste	Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and all other substances except sewage and industrial wastes.
Pass Through	A discharge which exits the POTW into surface waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause or violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.
pH	A measure of the acidity or alkalinity of a solution, expressed in standard units.

Pollutant	Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of the wastewater [e.g., pH, temperature, TSS, turbidity, color, BOD ₅ , COD, toxicity, or odor].
POTW	Any sewage treatment works and the sewers and conveyance appurtenances discharging thereto, owned and operated by the City of Van Buren, Arkansas.
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 pollutants unless allowed by an applicable pretreatment standard.
Pretreatment Requirements	Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
Pretreatment Standards or Standards	Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
Prohibited Discharges	Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 10.08.02(1.) of this Ordinance.
Sewage	Water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, storm or other waters as may be present.
Sewer	Any pipe, conduit, ditch or other device used to collect and transport sewage or storm water from the generating source.
Shall	Is mandatory.
SIC Code	Standard Industrial Classification Code: a classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.
Significant Industrial User	(1) All industrial users subject to Categorical Pretreatment Standards under 40 CFR Chapter I, Subchapter N; (2) A user that: (a) discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blow down wastewater); (b) contributes a process waste stream

which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or (3) is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement. (4) The City may determine that an Industrial User subject to categorical pretreatment standards is a Non-Significant Categorical User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blow down wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(a) the Industrial user, prior to City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements; (b) the Industrial user annually submits the certification statement required in 40CFR 403.12(q), together with any additional information necessary to support the certification statement; and (c) the Industrial user never discharges any untreated concentrated wastewater.

(5) Upon finding that a user meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Slugload

Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 10.08.02(1) of this Ordinance. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge, which has reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions.

Total Suspended Solids

The total suspended matter that floats on the surface of, or is suspended in water, wastewater or other liquid which is removable by laboratory filtering.

Priority Pollutants

One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the USEPA in 40 CFR Part 423.

Treatment Plant Effluent

Any discharge of pollutants from the POTW into waters of the State.

Upset

An exceptional incident in which a user unintentionally and temporarily is in a state of noncompliance with the standards set forth in this Ordinance due to factors beyond the reasonable control of the user, and excluding noncompliance to the extent caused by operational error, improperly

designed treatment facilities, lack of preventative maintenance, or careless or improper operation thereof.

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.

SECTION 10.08.02 REGULATIONS

1. DISCHARGE PROHIBITIONS

1.1 General Prohibitions

No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

1.2 Specific Prohibitions

No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction, to cause fire or explosion, including any waste stream with a closed-cup flash point of less than 140° F (60°C) using the test methods specified in 40 CFR 261.21, or be injurious in any other way to the operation of the POTW.
- b) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.
- c) Any wastewater having a pH less than 5.0 or higher than 11 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the system.
- d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure with any wastewater treatment process, to constitute a hazard to humans or animals, or to exceed the limitation set forth in Categorical Pretreatment Standards.

- e) Any noxious or malodorous liquids, gases or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- f) Any substance which may cause the POTW's effluent or treatment residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State standards applicable to the sludge management method being used.
- g) Any substance which will cause the POTW to violate its NPDES and/or other Disposal System Permits.
- h) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F).
- j) Any slugload, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the POTW.
- k) Any unpolluted water including, but not limited to, non-contact cooling water, unless it is in limited amounts that will not affect POTW efficiency and approved by the Commission.
- l) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as to exceed limits established by the Commission or Director in compliance with applicable State or Federal regulations.
- m) Any wastewater which causes a hazard to human life or creates a public nuisance.
- n) Any water or wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/L or containing any substances which may solidify or become viscous at temperatures between 0°C (32°F) and 65°C (150°F).

- o) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- p) 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.
- q) Hauled Waste Water
 - 1) Septic tank waste may be introduced into the POTW only at locations designated by the Director, and at such times as are established by the Director. Such waste shall not violate Section 10.08.02 established by the Director.
 - 2) The Director shall require haulers of industrial waste to obtain wastewater discharge permits. The Director may require generators of hauled industrial waste to obtain wastewater discharge permits. The Director also may prohibit the disposal of hauled industrial waste. The Director may require septic tank waste haulers to obtain wastewater discharge permits.
 - 3) Industrial waste haulers shall discharge loads only at locations designated by the Director. No load shall be discharged without prior consent of the Director. The Director may collect samples of each hauled load to ensure compliance with applicable standards. The Director may require the industrial waste hauler to provide a waste analysis on any load prior to discharge.
 - 4) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents and whether any wastes are RCRA hazardous wastes.

2. Limitations on Wastewater Strength

2.1 National Categorical Pretreatment Standards

National categorical pretreatment standards as promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all discharges of the regulated industrial categories. An application for modification of the national categorical pretreatment standards may be considered for submittal to the Approval Authority by the City, when the City's wastewater treatment system achieves consistent removal of the pollutant as defined by 40 CFR Section 403.7.

2.2 State Requirements

State requirements and limitation on discharges to the POTW shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable ordinance.

2.3 Right of Revision

The City reserves the right to amend this Ordinance to provide for more stringent limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in the preamble of this Ordinance.

2.4 Dilution

No user shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance.

2.5 Supplementary Limitations (Local Limits)

To protect against pass through and interference, no Industrial User may discharge or cause to be discharged into the POTW any wastewater pollutant concentration exceeding the Technically Based Local Limits (TBLLs) developed from time to time by the Director as required by the respective POTW NPDES permit, as authorized by 40 CFR 403.5(c), and approved by the Approval Authority. Technically Based Local Limits (TBLLs) based on calculated Maximum Allowable Industrial Loadings are located in the City's Pretreatment Program, Section titled "Allowable Loadings". At the discretion of the Director, TBLLs may be imposed and shall apply at the "monitoring point" described in the individual industrial wastewater discharge permits. All concentration limits for metals shall be in terms of "total" metals unless otherwise indicated. At the discretion of the Director, mass limitations may be

imposed in addition to or in place of concentration based TBLs. The Director may also develop BMPs in individual wastewater discharge permits, to implement specific pollutant limitations. Such BMPs shall be considered Local Limits and Pretreatment Standards. When new Local Limits are implemented or revised, the Director will provide individual notice to parties who have requested such notice and an opportunity to respond, as set forth by 40 CFR 403.5 (c) (3). This requirement of notice also applies when Local Limits are set on a case-by-case basis.

2.6 Wastewater Operator Licensing

All facilities with wastewater treatment facilities: Wastewater operators licensed by the State of Arkansas Department of Environmental Quality (ADEQ) shall be employed for the sole purpose of ensuring effluent quality discharged to the City's municipal sewer system. The degree of licensure required shall be determined by the Director, under the direction of the Commission, based upon the type of facility and the amount of wastewater being discharged into the system.

3. Accidental Discharges

Each user shall provide protection from accidental discharge of prohibited or regulated materials or substances regulated by this Ordinance. Where deemed to be necessary by the Department, facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Department for review, and shall be approved by the Director before construction of the facility. The plan shall also require:

- (a) Description of discharge practices, including non-routine batch discharge;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the Department of slug discharges including General Discharge Prohibition, section 10.08.02(1)(1.1) of this Ordinance with procedures for follow-up written notification within five (5) days;
- (d) Procedures to prevent adverse impact from any accidental spills or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment

structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

No new user who proposes to discharge to the POTW after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until Accidental Discharge Protection Procedures have been approved by the Director. Review and approval of such plans and operating procedures by the Director shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance.

Users shall notify the Department immediately upon the occurrence of a "slug load", or accidental discharge of substances prohibited by this Ordinance. This notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any user who discharges a slugload of prohibited materials shall be liable for any expense, loss or damage to the POTW, in addition to the amount of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

Signs shall be permanently posted in conspicuous places on user's premises, advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure. Emergency notification contacts and procedures shall be specified within the user's permit.

SECTION 10.08.03: MONITORING FEES

1. Purpose

It is the purpose of this section to provide for the payment of fees from users to the Department's wastewater disposal system, to compensate the Department for the cost of administration of the pretreatment program established herein.

2. Charges and Fees

The Commission shall adopt charges and fees which may include:

- a) Fees for monitoring, inspections and surveillance
- b) Fees for permit applications
 - a. Industrial User permit

- b. IU renewal permit application
 - c. Categorical Industrial Permit
 - d. CIU renewal permit
 - c) Fees for filing appeals
 - d) Fees for reviewing accidental discharge procedures and construction
3. Review of Fee Structure

The fee structure included in Section 10.08.03(2) shall be computed annually by the Commission during the month of December and shall be corrected to represent the actual costs described by Section 10.08.03(1) and such shall determine the fee structure for the following 12-month period.

SECTION 10.08.04: PARAMETERS FOR THE ESTABLISHMENT
OF SEWER USE FEES

1. Purpose

Sewer services shall not be provided to any industrial user at a rate which is less than the cost to the Department for providing such service, including the installation, operation and maintenance of facilities required to provide the service. Rates for sewer service shall be that as provided by Ordinance.

Billing of sewer use rates for wastewater whose parameters exceed local limits established by the Director shall not constitute approval of such non-complying discharge and shall not preclude enforcement action by the Department.

SECTION 10.08.05: ADMINISTRATION

Except as otherwise provided herein, the Director shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Director may be delegated by the Director to other Department personnel.

1. Wastewater Discharge

It shall be unlawful to discharge sewage, industrial wastes or other wastes without authorization by the Director to any sewer within the jurisdiction of the City and/or to the City's treatment work(s). Industrial users of the public sewer system shall be surveyed at time intervals of 3 years or less to determine the significance of the user's discharge and whether such is to be construed to be a significant industrial user.

2. Individual Wastewater Discharge Permits

2.1 General and Individual Wastewater Discharge Permit Requirement

All significant Industrial Users connecting to or proposing to connect to the POTW shall obtain a Wastewater Discharging Permit before connecting to or discharging to the POTW. The Director may deny the issuance of a permit or issue a conditional permit to any significant industrial user if such discharge represents new or increased amounts of pollutants which will cause inhibition of POTW processes, pass-through of contamination or contamination of sewage sludges to inhibit its normal disposal. Users determined by the Department not to be a significant Industrial User shall not be required to obtain a permit to discharge.

2.2 Permit Application

Significant Industrial Users shall complete and file with the Department, a permit application in the form prescribed by the Director, and accompanied by the appropriate fee. Permit applications shall be signed by an Authorized Representative of the Industrial User. Proposed new Users shall apply at least 60 days prior to connecting to the POTW. No discharge permit shall be issued unless and until the following conditions have been met:

- a) Disclosure of name, mailing address and physical location of the User;
- b) Disclosure of Standard Industrial Classification (SIC) number;
- c) Disclosure of wastewater constituents and characteristics. Analyses may be chemical and/or biological, performed in accordance with procedures established by the U.S. EPA and contained in 40 CFR Part 136, as amended;
- d) Disclosure of the time and duration of discharges;
- e) Disclosure of average daily and instantaneous peak wastewater flow rates, in gallons per day, including known or anticipated daily, monthly and seasonal variations, if any;
- f) Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation (referenced to mean sea level or other reproducible bench mark);

- g) General description of activities, facilities and plant processes on the premises including all materials which are or may be discharged to the sewers or treatment works of the City;
- h) Disclosure of the nature and the concentration on any pollutants or materials in the discharge.
- i) Disclosure of each product provided by type, amount, process or processes, and rate of production;
- j) Disclosure of the type of raw material utilized;
- k) All permit applications for new or modified permits shall be signed by an agent of the user authorized to make such applications and by a professional engineer licensed to practice in the State of Arkansas, and all renewal applications for existing permits shall be signed by an agent of the user authorized to make such applications;
- l) All sewers shall have an inspection and sampling manhole or structure with an opening of no less than 24 inches diameter and an internal diameter of no less than 36 inches containing flow measuring, recording and sampling equipment as required by the Director in the Discharger's permit to assure compliance with this Ordinance.

The Director will evaluate the complete application and data furnished by the User and may require additional information. Within 60 days after acceptance of the data furnished, the Director may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

2.3 Permit Modifications

The Department reserves the right to amend any Wastewater Discharge Permit issued hereunder in order to assure compliance by the Department with applicable laws and regulations. Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit of each user subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. All National Categorical Pretreatment Standards adopted after the promulgation of this Ordinance shall be adopted by the City as a part of this Ordinance. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit; as required by Section 10.08.05(2.2), the user shall apply for a Wastewater Discharge Permit from the Department within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard by the U.S. EPA. In addition, the user with an existing

Wastewater Discharge Permit shall submit to the Director within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard, the information required by paragraphs (h) and (i) of Section 10.08.05 (2.2). The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

2.4 Permit Conditions

Wastewater Discharge Permits shall specify no less than the following:

- a) Fees and charges to be paid upon initial permit issuance;
- b) Limits on the wastewater constituents and characteristics regulated thereby;
- c) Limits on rate and time of discharge and/or requirements for flow regulations and equalization;
- d) Requirements for installation and maintenance of inspection and sampling facilities;
- e) Special conditions as the Director may reasonably require under particular circumstances of a given discharge including sampling locations, frequency of sampling, number, types and standards for rest and reporting schedule;
- f) Compliance Schedules;
- g) Requirements for submission of special technical reports or discharge reports where same differ from those prescribed by this Ordinance.

2.5 Permits Duration

All Wastewater Discharge Permits shall be issued for a period of three years, subject to amendment or revocation as provided in this Ordinance. Under extraordinary circumstances, a permit may be issued for a stated period or may be stated to expire on a specific date. Users shall be responsible for reapplying at least 90 days prior to the expiration of their permit.

2.6 Limitations on Permit Transfer

Wastewater Discharge Permits are issued to a specific user for a specific operation and are not assignable to another user without written permission of the Director nor are the wastewater permits transferable to another location.

2.7 Contents of Permit

Permit forms shall include, but not be limited to, the following information:

- (a) Statement of Duration;

- (b) Statement of non-assignability or non-transferability without written permission of the Commission;
- (c) Effluent limits, including Best Management Practices, based on applicable general pretreatment standards, categorical pretreatment standards, local limits and State and local laws;
- (d) Self-monitoring, sampling, reporting, notification and record keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type;
- (e) Statement of applicable administrative, civil and criminal penalties for violations;
- (f) Statement of Appeal Procedure;
- (g) Statement regarding Permit Modification;
- (h) Statement regarding Revocation of Permit;
- (i) Statement regarding Reissuance of Permit.
- (j) Requirement to control Slug Discharge, if determined by the Director to be necessary.

2.8 General Permits

A. At the discretion of the Director, the Director may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

- (1) Involve the same or substantially similar types of operations;
- (2) Discharge the same types of wastes;
- (3) Require the same effluent limitations;
- (4) Require the same or similar monitoring; and
- (5) In the opinion of the Director, are more appropriately controlled under a general permit than under individual control mechanisms.

B. To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with Section 3.2 for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for

a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Director has provided written notice to the SIU that such a waiver request has been granted in accordance with Section 3.2.

C. The Director must retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Section 10.08.05(2.8)A(1) to (5); (40 CFR 403.8(f)(1)(iii)(A)(1) and applicable State regulations, and a copy of the User's written request for coverage for 3 years after the expiration of the general control mechanism.

D. The Director may not control an SIU through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the Combined Waste stream Formula (Section 2.2C (40CFR403.6(e)) or Net/Gross calculations (Section 2.2 D (40 CFR 403.15)).

3. Reporting Requirements

3.0 Baseline Monitoring Report

A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Director 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 categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to [the Superintendent] a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below.

(1) All information required in Section 10.08.05(2.2)

[reference: 40CFR 403.12(b)(1)-(7)]

(2) Measurement of pollutants.

a. The user shall provide the information required in Section 10.08.05 (3.2) B.

b. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

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

d. Sampling and analysis shall be performed in accordance with Section 10.08.05 (5).

e. The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

f. The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(3) Compliance Certification. A statement, reviewed by the user's authorized representative as defined in Section 10.08.01 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.

(4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 3.2 of this ordinance.

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 10.08.03.2 (1) of this ordinance and signed by an authorized representative as defined by Section 10.08.05(3.0)(B)(5).

3.1 Compliance Report

Within 90 days following the date for final compliance by the user with applicable categorical Pretreatment Standards or 90 days following commencement of the introduction of wastewater into the POTW by a New Source, any user subject to pretreatment standards or requirements shall submit to the Director a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallon as described in 40 CFR 403.12(d). The report shall state whether the applicable Pretreatment Standard or Requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by a duly authorized representative of the user.

3.2 Periodic Compliance Reports

(A) All SIUs subject to a Pretreatment Standard set forth in this Ordinance, after the compliance date of such Pretreatment Standard, or, in the case of a new user, after commencement of the discharge to the City's facilities shall submit to the Director, a report indicating the nature and concentration of prohibited or regulated substances in the effluent which are limited by the Pretreatment Standards hereof. In addition this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period reported in Section 10.08.05(3.1) hereof. Flows shall be reported on the basis of actual measurement, provided however, where cost or feasibility considerations justify, the Director may accept reports of average and maximum flows estimated by verifiable techniques. The Director, for good cause when considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors may authorize the submission of said reports on dates other than those specified above. All wastewater reports must be signed by an Authorized Representative of the Industrial User and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly

responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Self-monitoring by Significant Industrial Users which indicates a violation shall notify the Director within 24 hours of being aware of the violation. The user shall repeat the sampling or monitoring within 30 days after being aware of the violation and shall report the results to the Department within that 30-day period. Resampling by the Industrial User is not required if the Department performs sampling at the user’s facility at least once a month, or if the Department performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the Department receives the results of this sampling, or if the Department has performed the sampling and the analysis in lieu of the Industrial User.

(B) Reports of Users shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the Director. The frequency of monitoring by the user shall be as prescribed in the applicable Pretreatment Standard of this Ordinance. All analyses shall be performed in accordance with 40 CFR Part 136 and amendment thereto and sampling requirements shall comply with 40 CFR 403.12(g)(3) & (4). If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures prescribed in this section, the results of this monitoring shall be included in the report.

(Comment: Where 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with sampling and analytical procedures approved by the Approval Authority or the U.S. EPA)

Note: All SIUs are required to submit periodic compliance reports.

(1) Except as specified in Section 10.08.05(3.2), all Significant Industrial Users must submit no less than twice per year (June and December [or on dates specified]) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the User.

(2) Annual certification by Non-Significant Categorical Industrial Users. A facility determined to be a Non-Significant Categorical Industrial User pursuant to 40 CFR 403.3(v)(2) must annually submit the following certification statement, signed in accordance with the signature requirements in paragraph 1 of this section. This certification must accompany any alternative report required by the Control Authority.

Based on my inquiry of the persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR, I, _____, certify that, to the best of my knowledge and belief that during the period from _____ to _____ (month, day, year): (a) The facility described as _____ (facility name) met the definition of a non-significant categorical industrial user as described in 40 CFR 403.3 (v)(2); (b) the facility complied with all applicable pretreatment standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance is based on the following information:

(C) The Director may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [see 40 CFR 403.12(e)(2)] This authorization is subject to the following conditions:

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

(2) The monitoring waiver is valid only for the duration of the effective period of the Permit [or other equivalent individual control mechanism], but in no case longer than 3 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism. See Section 10.08.05 (2.4)(g).

(3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(4) The request for a monitoring waiver must be signed in accordance with Section 10.08.01 (Definitions), and include the certification statement in Section 10.08.05(3.2)(A) and (40 CFR 403.6(a)(2)(ii)).

(5) Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(6) Any grant of the monitoring waiver by the Director must be included as a condition in the user's permit [or other control mechanism]. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the Director for 3 years after expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision of the user's permit by the Director, the Industrial User must certify on each report with the statement in Section 10.08.05(3.2)(D) below, that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User.

(8) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the user's operations, the user must immediately: Comply with the monitoring requirements of Section 10.08.05(3.2) or other more frequent monitoring requirements imposed by the Director, and notify the Director.

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

D. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 10.08.05(3.2)(C)(7) must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the user [see 403.12(e)(2)(v)].

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

3.3 Reports of Changed Conditions

Each User must notify the Director in advance of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 10 days before the change.

A. The Director may require the 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 10.08.05.2.2 of this ordinance.

B. The Director may issue an individual wastewater discharge permit under Section 10.08.05(2.1) of this ordinance or modify an existing wastewater discharge permit under Section 10.08.05(2.3) of this ordinance in response to changed conditions or anticipated changed conditions.

All industrial users shall promptly notify the Director in advance of any pollutants in their discharge which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.

All industrial users shall promptly notify the Director immediately of all discharges by the user that could cause interference or upset to the POTW, including any slug loading.

4. Monitoring Facilities

Each significant Industrial User shall provide and operate at the user's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the City's facilities. Each monitoring facility shall be situated on the user's premises, except where such a location would be impractical or cause undue hardship on the Discharger, the Director may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed within 120 days of receipt of permit by user.

5. Inspection and Sampling

The Director may inspect the monitoring facilities of any user to determine compliance with the requirements of this Ordinance. Significant Users shall be inspected and sampled at least once per year. The user shall allow the Director or its authorized representatives to enter upon the premises of the user at all reasonable hours, for the purposes of inspection, sampling, or records examination. The Director shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. The Director shall have the right to an equal and identical portion of any bonafide sample (upon demand) collected by the user from waste streams being discharged to the

POTW. The user shall have the right to an equal and identical portion of any bonafide sample (upon demand) collected by the Director from waste streams being discharged to the POTW. The Director shall provide written notification to the user of the results of any and all analyses made with the sample. All analyses shall be compared to applicable pretreatment standards and discharge limits. All records and sampling shall be made with sufficient care to provide evidence admissible in any enforcement proceedings. Record of the details of all bonafide sampling shall be maintained in a Chain-of-Custody document which shall indicate type of sample collection, location of sample collection, all persons involved with the collection, conveyance, and testing of a sample, methods of sample preservation, and testing standard utilized.

All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. The Director shall require that frequency of monitoring necessary to assess and assure compliance by the user with applicable pretreatment standards and requirements.

- A. Except as indicated in Section B and C below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Director. All samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and Sulfides. The samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by Director as appropriate. In addition, grab samples may be required to show compliance with instantaneous discharge limits. [see 40CFR 403.12(g)(3)]

- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 10.08.05(3) [(403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds. For facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by paragraphs Section 10.08.05(3.2) [(403.12(e) and 403.12(h)], the Director shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. (see 40 CFR 403.12(g)(4))

6. Confidential Information

Information and data furnished to the Department with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the user specifically requests at the time of submittal and is able to demonstrate to the satisfaction of the Department that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the user. Each page containing confidential information shall be stamped with the words "confidential business information". When requested by a user furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) permit, State Disposal System permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the user furnishing the report. Waste water 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. Information specifically designated as and accepted by the Department as being confidential, shall not be transmitted to any governmental agency by the Department until and unless a ten-day notification is given to the user.

SECTION 10.08.06: ENFORCEMENT

1. Emergency Suspension of Service and Discharge Permits

The Director may, for good cause, suspend the wastewater treatment service and/or the Wastewater Discharge Permit of any user by the procedure set forth by a written enforcement response plan adopted by the Commission when it appears to the Director that an actual or threatened discharge presents or threatens an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, interfere with the operation of the POTW, or violated any pretreatment limits imposed by this Ordinance. Any user notified of the suspension of the City's wastewater treatment service and/or the user's Wastewater Discharge Permit shall, within a reasonable period of time, as determined by the Director, cease all discharges. In the event of failure of the user to comply voluntarily with the suspension order within the specified time, the Department shall take all lawful actions necessary to suspend the access of the user to the POTW. The Director shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof by the user of the elimination of the non-complying danger as set forth above.

2. Revocation of Permit

The Director may revoke the permit, by the procedure set forth by a written enforcement response plan adopted by the Commission, of any user which fails to

- (a) factually report the wastewater constituents and characteristics of its discharge;
- (b) report significant changes in operations or in wastewater constituents or characteristics;
- (c) refuses reasonable access to the user's premises by representatives of the Director for the purpose of inspection or monitoring;
- (d) violates the conditions of its permit, or this Ordinance, or any final judicial order entered with respect thereto; or
- (e) refuses to participate in the self-monitoring program as specified in the user's permit as provided for by this Ordinance.

3. Notice of Violation – Administrative Adjustment

Whenever the Director finds that any user has violated or is violating any provision of this Ordinance, wastewater discharge permit, or any prohibition or limitation of the requirements contained herein, the Director shall serve or cause to be served upon such user a notice either personally or by certified mail, return receipt requested, stating the nature of the alleged

violation. If the user fails to correct a violation within 15 days of receiving notice of the violation, the Director may issue an Administrative Order for the correction of the violation, however, the user is not relieved of the responsibility of unauthorized discharges which occur within the 15-day interval. Within 30 days of the date of receipt of the notice, the user shall respond personally or in writing to the Director advising of the user's position with respect to the allegations. This response shall include an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Thereafter, the parties shall meet to ascertain the veracity of the allegations and where necessary, establish a plan for the satisfactory correction thereof. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation. This section does not apply to Section 10.08.06(1) actions.

4. Show Cause Hearing

Where violations of all applicable pretreatment standards are not corrected by timely compliance, as set forth by a written enforcement response plan adopted by the Commission, the Director may order any user which causes or allows conduct prohibited by Section 10.08.05(2) hereof, to show cause before the Director or its duly authorized representative, why the proposed permit revocation should not be taken. A written notice shall be served on the user by personal service, or certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the Director or its designee regarding the violation, the reasons why the enforcement action is to be taken, and the proposed enforcement action to be taken. The notice of the hearing shall be served no less than 15 days before the hearing. Service may be made on any agent, officer, or authorized representative of a user. The proceedings at the hearing shall be considered by the Director which shall enter appropriate orders with respect to the alleged improper activities of the user. Appeal of such orders may be taken by the user in accordance with applicable local or state law.

5. Consent Orders

The Director may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for non-compliance. Such documents will include a specific action to be taken by the user to correct the

noncompliance within a time period specified by the document. Such documents shall have the same force and effect as administrative orders.

6. Judicial Proceedings

Following the entry of any order by the Director with respect to the conduct of a user contrary to the provisions of this Ordinance or Federal or State pretreatment requirements, the Attorney for the Commission or City may, following the authorization of such action by the Department, commence an action for appropriate legal and/or equitable relief.

7. Enforcement Actions – Annual Publication

A list of all Industrial Users which were the subject of enforcement proceedings pursuant to Section 10.08.06 of this Ordinance during the twelve (12) previous months, shall be annually published by the Commission in the local newspaper summarizing the enforcement action taken against the users during the same twelve (12) months which were in significant noncompliance with applicable Pretreatment requirements over that 12 month period.

A pattern of significant non-compliance shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of wastewater measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude a numeric pretreatment standard or requirement, including instantaneous limits, as defined in 40 CFR 403.3(1);
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of wastewater measurements taken for the same pollutant parameter during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits as defined 40 CFR 403.3(1) multiplied by the applicable criteria (1.4 for BOD₅, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard)] that the Director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

- D. Any discharge of pollutants that has caused imminent endangerment to the public or the environment, or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadline, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

8. Right of Appeal

Any user or any interested party shall have the right to request in writing an interpretation or ruling by the Director on any matter covered by this Ordinance and shall be entitled to a prompt written reply. In the event that such inquiry is made by a user and deals with matters of performance or compliance with this Ordinance or deals with Wastewater Discharge Permit issued pursuant hereto for which enforcement activity relating to an alleged violation is the subject, receipt of a user's request shall stay all enforcement proceedings, apart from emergency suspension enabled by 10.08.06.1 of this Ordinance, pending receipt of the aforesaid written reply. User's appeal of any final judicial order issued pursuant to this Ordinance may be taken by the Director in accordance with local and state law.

9. Upsets

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 user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative 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 paragraph (C) below are met.

C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the user can identify the cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- (3) The user has submitted the following information to the Director within twenty-four (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 the 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 user seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users shall 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. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

10. The remedies provided for in this ordinance are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Department's enforcement response plan. However, the Director may take other action against any user when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant user.

SECTION 10.08.07 ENFORCEMENT REMEDIES

1. Surcharges: Industrial users shall, in addition to normal sewer service charges, be assessed by the Director a separate surcharge to cover the additional cost of treatment when wastewater characteristics exceed local parameters of 250 mg/L for BOD₅ and TSS.

2. Administrative Penalties: Significant Industrial users may, in addition to normal sewer service charges, be assessed by the Director a separate administrative penalty when wastewater characteristics exceed parameters as established in the Industrial User's Permit.

Any non-residential discharges exceeding the local limits established by the Director as provided for in Section 10.08.02(2.5) of this ordinance shall be considered non-complying discharges and a separate administrative penalty may be assessed by the Director for each parameter that is exceeded. The method of establishing said administrative penalties shall be that as provided by Ordinance. Payment of said administrative penalties shall not be considered justification for said excessive discharges, or compensation for any damages caused by said excessive discharges. Further provided, that payment of said administrative penalties shall not exempt the user from actions taken by Commission under Section 10.08.06(2) of this Ordinance.

3. Additional Administrative Penalties for Recovery of Costs:

Any user violating any of the provisions of this Ordinance, or who discharges or causes a discharge producing a deposit of obstruction, or causes damage to or impairs the City's wastewater disposal system shall be liable to the Department for any expense, loss or damage caused by such violation or discharge. The Department shall bill the user for the costs incurred by the Department for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this ordinance and such violation and/or assessment shall then be determined by a court of competent jurisdiction.

4. Miscellaneous Administrative Fines:

The schedule of administrative fines and the conditions for their assessment shall be prepared by the Director and approved by the Commission. The amount of the fine may be escalating as approved by the Commission for continued or repeated violations. Fines shall not exceed a

maximum of \$1,000 per day per offense. Administrative fines shall be included with monthly sewer use fees.

Users desiring to dispute administrative fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within 10 calendar days of its billing. Where the request has merit, the Director may convene a hearing on the matter. In the event the user's appeal is successful, the payment shall be returned to the user. The decision of the Director may be appealed to the Commission at a regularly scheduled meeting or a special meeting of the Commission convened for that specific purpose.

5. Criminal & Civil Penalties

When the Director finds that a user has violated any provision of this ordinance, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may petition the District Court of Crawford County, Arkansas, through the Department's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this ordinance on the activities of the user. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunction relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance or who shall violate this Ordinance in any way upon being convicted of violating this Ordinance, shall, be guilty of a misdemeanor and thereupon be fined no more than \$1,000 for each offense. Each day on which a violation shall occur or continues to occur shall be deemed to be separate and distinct offenses. In addition to the penalties herein provided, the Department may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation as restitution established by the court.

6. Limitations as to Criminal and/or Civil Penalties

That the Department pursuant to this Ordinance and in compliance with federal minimum requirements set out in 40 CFR 403.8(f)(1)(vi)(A) and in accordance with Act 884 of 1991 and its successor legislation, if any, shall have the authority to collect those civil and criminal penalties as set out in Van Buren Municipal Code Section 10.08.07 in a court of competent jurisdiction such civil and criminal penalties in an amount not to exceed \$1,000 for each violation by industrial users of pretreatment standards or requirements. For the purpose of this subsection, each day of a continuous violation may be deemed a separate violation.

SECTION 10.08.08: RECORDS RETENTION

All users subject to this Ordinance shall retain and preserve for not less than three (3) years any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a user in connection with its discharge. Any Industrial User subject to the reporting requirements of this Ordinance shall make all monitoring records, including documentation associated with BMPs, available for inspection and copying by the Director. All records which pertain to matters which are the subject of Administrative Adjustment or any other enforcement or litigation activities brought by the Department pursuant hereto shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

SECTION 10.08.09: SEVERABILITY

If any provision, paragraph, word, section or chapter of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

SECTION 10.08.10: CONFLICT

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

SECTION 10.08.11: EFFECTIVE DATE

THAT this Ordinance being necessary for the preservation of the public peace, health and safety, an emergency is declared and this Ordinance shall be and take effect and be in full force after its passage, approval and publication.


SECTION 10.08.12: REPEAL

This Ordinance specifically repeals previous Ordinance numbers 36-1981, 19-1981, 6-1990 and 3-1997 which are revised under the Van Buren Municipal Code Chapter 10.08. This Ordinance specifically repeals Van Buren Municipal Code Chapter 10.16.01 through 10.16.04, which is embodied in Ordinance #7-1992.

SECTION 10.08.13: EMERGENCY

It is ascertained and declared that there is an immediate need in order to protect the pretreated waste entering the City's sewer system in order to protect the health, lives and property of the inhabitants of the City of Van Buren, Arkansas, therefore, an emergency is found to exist and that this Ordinance is necessary for the preservation of public peace, health and safety, same shall take effect and be in force without delay, and same shall be enforced immediately.

PASSED AND APPROVED this 19th day of October, 2009


MAYOR

ATTEST:


City Clerk

ORDINANCE NO. 27-2009

AN ORDINANCE REPEALING ORDINANCE NO. 7-1990 AND ORDINANCE NO. 3-1991 AND ESTABLISHING ADMINISTRATIVE PENALTIES AND PROVIDING FOR SURCHARGES FOR SIGNIFICANT INDUSTRIAL DISCHARGES IN ADDITION TO NORMAL SEWER SERVICE CHARGES AND DECLARING AN EMERGENCY.

WHEREAS, the city of Van Buren, Arkansas, in Ordinance No. 26-2009 presently codified as Van Buren Municipal Code 10.08.01 through 10.08.13, provides that significant industrial dischargers defined as non-resident users which normally discharge wastewater to the POTW in quantities of 25,000 gallons per day or greater or whose waste contains or has the potential to contain toxic pollutants, restricted pollutants or non-compatible pollutants, shall in addition to normal sewer service be assessed by the Van Buren Municipal Utilities Commission a separate administrative penalty and/or a separate surcharge when wastewater characteristics exceed certain parameters set by the Van Buren Municipal Utilities Commission by Ordinance; and,

WHEREAS, it is important for the City to assess penalties and surcharges for dischargers that exceed the limits in order to force significant industrial dischargers to restrict pollutants or non-compatible pollutants; and,

WHEREAS, said restrictions are necessary in order to protect the Van Buren Sewer System including the treatment plant in order to protect the health, safety, and welfare of the inhabitants of the City of Van Buren, Arkansas.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the City Council of the City of Van Buren, County of Crawford, State of Arkansas, that Chapter 10 of the Van Buren Municipal Code is hereby amended to contain the following additional Sections to be codified as follows:

SECTION 10.08.14: APPLICATION OF DEFINITIONS

That for the purpose of this Ordinance the definitions as set out in Van Buren City Ordinance No. 26-2009 as the Definitions therein shall also apply to this Ordinance.

SECTION 10.08.15: PURPOSE

The purpose of this Ordinance is to establish surcharges and administrative penalties enabled under Van Buren Municipal Code Section 10.08.07.

SECTION 10.08.16: ADMINISTRATIVE PENALTIES

Significant industrial dischargers may, in addition to normal sewer service charges and surcharges, be assessed by the Van Buren Municipal Utilities Commission a separate administrative penalty when wastewater characteristics exceed parameters herein established. Said administrative penalties shall be as follows:

1. Biochemical Oxygen Demand

\$2.00 per pound of BOD₅ discharged for waste strength concentrations discharged greater than the mass proportion limits as established by the Van Buren Municipal Utilities Commission for each significant industrial discharger permit, i.e. (\$2.00) x (Lbs B.O.D. – LIMIT) Per 1000 gallons.

2. Total Suspended Solids

\$2.00 per pound of T.S.S. discharged for waste strength concentrations discharged greater than the mass

proportion limits as established by the Van Buren Municipal Utilities Commission for each significant industrial discharger permit, i.e. (\$2.00) x (LBS TSS – LIMIT) per 1000 gallons.

3. pH

\$5.00 per thousand gallons for all dischargers for which the pH is greater than 11 or less than 5, i.e. (\$5.00) per 1000 gallons.

4. Fats, Oils, and Greases

\$5.00 per pound of fats, oils, and greases for wastewater discharges exceeding 100 mg/L of fats, oils, and greases, i.e. (\$5.00) x (FOG-100) x (0.00834) per gallons.

5. Other Limited Parameters

Administrative Penalties may be assessed for other pollutant parameters that are limited in concentration by the Van Buren Municipal Utilities Commission through Ordinance or local discharge limits.

\$5.00 per 1000 gallons per parameter shall be charged for all wastewater exceeding the most recent local discharge limits set by the Van Buren Municipal Utilities Commission as authorized by ordinance.

SECTION 10.08.17: SURCHARGES

Significant industrial dischargers shall in addition to normal sewer service charges and civil penalties be assessed by the Van Buren Municipal Utilities Commission a separate surcharge to cover the additional cost of treatment when wastewater characteristics exceed parameters herein established.

1. Biochemical Oxygen Demand

\$0.50 per pound of BOD₅ discharged for waste strength concentrations discharged greater than 250 mg/L, i.e. (\$0.50) x (BOD-250) x (0.00834) per thousand gallons.

2. Total Suspended Solids

\$0.50 per pound of TSS discharged for waste strength concentrations discharged greater 250 mg/L, i.e. (\$0.50) x (TSS-250) x (0.00834) per thousand gallons.

SECTION 10.08.18: SAMPLES

The above charges may be based on sample test results by both the user and/or the Van Buren Municipal Utilities Commission or Department. A split sample for the purpose of establishing charges shall be made available for use by the Commission or Department upon written request: Final determination as to charges based on test results other than appeal procedures shall be within the Van Buren Municipal Utilities Department.

SECTION 10.08.19: WAIVER

That the City of Van Buren, Arkansas, by the establishment of such charges or the acceptance of any payments upon said charges shall not waive any right it has to proceed under any enforcement proceedings established under this Ordinance or by the Van Buren Municipal Code Sections 10.08.01 and following.

EMERGENCY CLAUSE

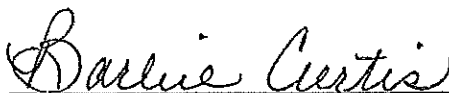
That the establishment of surcharges and for administrative penalties for abuses to the Van Buren Water and Sewer treatment facilities is necessary in order to stop said abuses and that violation of such creates a peril to the health, welfare, and safety of the inhabitants of the City of Van Buren, Arkansas, and therefore, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

PASSED AND APPROVED this 19 day of October, 2009



Bob Freeman, MAYOR

ATTEST:



Barbie Curtis, CITY CLERK

ENFORCEMENT RESPONSE PLAN

ENFORCEMENT RESPONSE PLAN

(ERP)

VAN BUREN MUNICIPAL UTILITIES

January 1, 2010

Revised September 2010

Revised February 2011

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ENFORCEMENT RESPONSE PLAN

1. INTRODUCTION:

The July 24, 1990 revisions to the Federal Pretreatment Regulations (40 CFR, Part 403) required that Publicly Owned Treatment Works (POTWs) develop and implement an Enforcement Response Plan (ERP). The requirement is specifically stated in 40 CFR, Part 403.8(f)(5) as follows:

- (5) The POTW shall develop and implement an Enforcement Response Plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of Industrial User (IU) noncompliance. The plan shall, at a minimum:
 - (i) Describe how the POTW will investigate instances of noncompliance;
 - (ii) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
 - (iii) Identify (by title) the official(s) responsible for each type of response;
 - (iv) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8 (f) (1) and (f) (2).

The Van Buren Municipal Utilities has prepared an Enforcement Response Plan to establish a framework to respond to instances of industrial user noncompliance in accordance with the Federal Regulations. The ERP is subject to the provisions of Van Buren Ordinance Nos. 26-2009 and 27-2009.

Procedures to be used for staying current with applicable Pretreatment Regulations will include, but not be limited to, Department attendance at pretreatment conferences and seminars, water and wastewater education classes, Federal Register updates, information from ADEQ and USEPA bulletins.

2. ENFORCEMENT RESPONSE PLAN:

The enforcement philosophy is progressive. That is, problems are addressed at the lowest level and with the least formality possible consistent with the specific problem. No enforcement procedure is contingent upon the completion of any less formal procedure. The procedures provided in the ERP are for general guidance of the Van Buren Municipal Utilities staff; those procedures are not jurisdictional and are not a basis for defense to action taken by the Van Buren Municipal Utilities (VBMU) as a result of a violation of Van Buren Ordinance #26-2009, a permit or other applicable law. Section 10.08.05.2 of Ordinance #26-2009 requires that all significant industrial users obtain a waste water discharge permit as a condition of discharge. Permits may be for a period as long as three years, and may limit waste water constituents and flows, may require installation and operation of sampling and monitoring facilities, establish compliance schedules and require submissions of periodic reports and notices as needed. The

waste water discharge permit represents the VBMU's first means of controlling the waste water discharge by significant industrial users since, if permit requirements are met by the permittee, no further enforcement activity should be required.

3. NON-COMPLIANCE INVESTIGATIONS:

Potential instances of industrial non-compliance are identified through review of industrial self-monitoring requirements, compliance monitoring (both scheduled and unscheduled) and routine inspections. Demand inspections and monitoring are performed if necessary.

4. SAMPLING AND INSPECTION OF INDUSTRIAL USERS:

The industrial self-monitoring report is reviewed upon receipt. The report is checked for the appropriate certification statement and sampling frequency, type, and results. Violations are noted and the appropriate response is made. Compliance monitoring is performed a minimum of once per year by VBMU personnel and once per year by the SIU. A minimum of one visit per year by the VBMU is unscheduled. The number of compliance monitoring visits performed is based upon past, present and potential sewage discharge constituencies as reviewed and regulated by the VBMU. This monitoring is an effective way to ensure industrial compliance with permit limitations and requirements. All compliance monitoring is performed in compliance with U.S.EPA sampling and analytical procedures (40 CFR, Part 136) and would provide data admissible in enforcement procedures. Chain of custody procedures are in effect. The industries are required to self-monitor as per individual permit established under the direction of the VBMU. All monitoring is performed in compliance with U.S. EPA sampling and analytical procedures (40 CFR, Part 136) and would provide data admissible in enforcement procedures. Compliance monitoring includes SIU self-monitoring and monitoring by the VBMU.

The annual inspection is made of all regulated industrial users. It is scheduled approximately one week in advance. The inspection provides an opportunity to review the industry's operation, pretreatment facilities, sample collection, etc. to ensure compliance with the permit and local/state/federal regulations.

Scheduled inspections and compliance monitoring visits, scheduled and/or unscheduled, are examples of routine sampling visits. Demand monitoring and inspection activities would be performed in response to a known or suspected violation to gather additional information and/or to confirm any suspicions. These actions constitute non-routine visits.

5. COMPLIANCE SCREENING:

Using all available information, the Environmental Coordinator (EC) shall conduct an initial compliance review or screening to determine and assess compliance with schedules, reporting requirements and applicable pretreatment standards. Such screening shall be undertaken at least monthly. Review completed under this section is designed to identify apparent violations.

During the screening, the reviewer shall verify that required reports are submitted on schedule, cover the proper time period, include all information required in the particular report and are properly signed. As part of this process, the reviewer will compare the information supplied with the requirements in the industrial user's permit. Any discrepancy shall be considered to be a violation of the ERP. To the extent possible, the industrial user will be required to correct such discrepancies immediately upon their discovery.

6. ENFORCEMENT VIOLATION:

Violations and discrepancies identified during compliance screening will be evaluated by the EC to determine the type of enforcement response required. The Enforcement Response Guide (Table I) attached to the ERP will be used for this determination.

7. PUBLISHING LISTS OF INDUSTRIAL USERS WITH SIGNIFICANT VIOLATIONS:

General Pretreatment Regulations require the VBMU to publish, at least annually, in the largest daily newspaper with the city's distribution, a list of industrial users which were significantly violating applicable pretreatment standards and requirements during the previous 12 months. The procedures for compiling the list of such users is as follows:

- A. The EC shall prepare a compliance history from VBMU records for each individual significant user.
- B. The compliance history so obtained for each industrial user shall be reviewed to determine if a pattern of non-compliance exists or if the industry has been or continues to be in Significant Non-Compliance (SNC). If an industry meets this criteria, it will be placed on the list for publication.

8. INFORMAL AND FORMAL MEANS OF ENFORCEMENT:

Means of enforcement available to the VBMU are:

Informal Actions

- Notices of Violation
- Final Violation Notice
- Review Meetings

Formal Actions

- Compliance Schedule
- Administrative Order/Penalties
- Show Cause Hearing
- Consent Order
- Termination of Permit
- Termination of Service
- Judicial Remedies, Injunctive Relief, Civil Penalties and/or Criminal Penalties

9. ENFORCEMENT RESPONSE:

In accordance with the Federal Pretreatment Regulations (40 CFR, Part 403.8 (f) (5) (ii)), a description of the types of escalating enforcement responses the POTW regulated by the VBMU, will take in response to anticipated types of industrial user violations and the time periods within which responses will take place must be identified in the ERP. Table 1, Enforcement Response Guide, provides this description. Table 1 also provides a definitions listing to interpret the enforcement response procedures as well as general information regarding the enforcement program. Figure 1 provides the officials/entities responsible for each type of response.

10. DESCRIPTION OF ENFORCEMENT ACTIVITIES:

The categories of enforcement activities are described in the succeeding paragraphs.

A. Informal Actions:

1. Notice of Violation: A Notice of Violation(s) (NOV) is a written notice to the industrial user that the VBMU has observed a violation of pretreatment standards or requirements and expects the non-compliance to be corrected. A phone call may serve as a NOV in such instances as cited in Table I, provided the violator is informed that the call is in lieu of a written NOV. The NOV shall state that additional enforcement action may be pursued if corrections are not accomplished in a timely manner. A NOV shall also state that an explanation of the violation does not excuse it or any previous violations. NOVs shall be sent by certified mail, return receipt requested, or hand delivered with copies maintained in the industrial user's file.
2. Final Violation Notice: A Final Violation Notice may be issued upon the instance of a repeat violation as determined by repeat sampling. The Final Violation Notice may have the same content as a NOV. However, if said compliance is not achieved in a timely manner, the Commission shall proceed with other methods as outlined in other sections of this document. Final Violation Notices shall be sent by certified mail, or registered mail with return receipt requested, or hand delivered with copies maintained in the industrial user's file.
3. Review Meetings: Where further violations continues to occur, the IU shall be notified by the Director, Operations Superintendent, or EC in writing as to the particulars of the violation(s) and be called for a voluntary meeting with the IU. Review meetings are intended to provide a voluntary means of preventing future violations of the Pretreatment Program. The notice sent to the IU shall be sent by registered mail, certified mail, return receipt requested, or hand delivered with copies maintained in the industrial user's file, and shall be entitled "Notice of Review".

Neither the Notice of Violation or Final Violation Notice is a precondition for calling a review meeting. No informal action is a prerequisite for instituting formal enforcement procedures.

B. Formal Actions:

1. Compliance Schedule: A Compliance Schedule shall be a written calendar of dates and tasks to be accomplished by those dates which will realize the IU's being able to meet the requirements of the Pretreatment Ordinance, Ordinance #26-2009. The Compliance Schedule shall be issued to the IU with the consideration being given to the IU's ability to reasonably meet the requirements of the Schedule. Failure to meet any milestone date of the Compliance Schedule shall not negate the requirement to meet any other date on the Schedule. Failure to meet any interim date shall be a violation unless the IU receives a written revision of the Compliance Schedule by the VBMU Director.

2. Administrative Remedies:

- a. Administrative Order to Comply: Administrative Orders (AOs) are enforcement documents which direct industrial users to undertake or cease specified activities. Administrative Orders may incorporate Compliance Schedules, administrative penalties, and termination of service orders. Compliance with the terms and conditions of the AO will not be construed to relieve the user of its obligation to comply with applicable Federal, State or local law. Violation of the AO itself may subject the user to all penalties available under the Ordinance #26-2009 & 27-2009 and subsequent pretreatment ordinances adopted by the City. No provision of the order will be construed to limit the Commission's authority to implement its pretreatment program. The provisions of the order shall be binding upon the user, its officers, directors, agents, employees, successors, assigns, and all persons, firms, and corporations acting under, through, or on behalf of the industrial user.
- b. Administrative Penalties Assessed as per Ordinance #27-2009.

3. Show Cause Hearing: The Commission may order any user who cause or allows an unauthorized discharge into the POTW to show cause why the VBMU should not revoke the user's waste water discharge permit or take such other enforcement action as is dictated by the facts of the case. The Commission shall issue such a notice for Show Cause Hearing specifying the time and place of a hearing to be held by the Commission. Such notice shall state the reasons why the action is to be taken and the proposed enforcement action. Such notice shall direct the user to show cause before the Commission why such action should not be taken. Following such hearing, the VBMU may take such action as it deems appropriate. The notice of the Show Cause Hearing shall be served personally or by certified or registered mail, return receipt requested, with copies maintained in the industrial user's file.

Subsequent to a Show Cause Hearing, appropriate actions may include the following:

- a. Consent Order: The Consent Order is an agreement between the Commission and the industrial user containing: (1) compliance schedules; (2) stipulated fines or remedial actions; and (3) signatures of the Commission and industry representatives.
- b. Termination of Permit: Any user who violates the conditions of Ordinance #26-2009 and 27-2009, or a waste water discharge permit or order, or any applicable State or Federal law, is subject to permit termination. The Commission shall have the legal authority to immediately and effectively halt or prevent any discharge of pollutants to the POTW which reasonable appear to present an imminent endangerment to the health or welfare of persons, or to the

environment, or which threatens to interfere with the POTW's operation.

- c. Judicial Remedies: If any person discharges sewage, industrial wastes, or other wastes into the VBMU's sanitary sewer system contrary to provisions of Ordinance 26-2009 & 27-2009, its waste water discharge permit or order, or any applicable State or Federal law, the Commission, through legal counsel, may commence an action for appropriate legal and/or equitable relief, including recovery of civil penalties assessed by the Commission, in the appropriate court of competent jurisdiction subject to the provisions of Ordinance #26-2009 & 27-2009.

- d. Injunctive Relief: Whenever an IU has violated or continues to violate the provisions of Ordinance #26-2009 or 27-2009, its waste water discharge permit or order, or any applicable State or Federal law, the Commission, through legal counsel, may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the IU.

TABLE 1

VAN BUREN MUNICIPAL UTILITIES
ENFORCEMENT RESPONSE GUIDE

A. SAMPLING, MONITORING AND REPORTING:

<u>NONCOMPLIANCE</u>		<u>CIRCUMSTANCES</u>	<u>RANGE OF RESPONSE</u>	<u>RESPONSE</u>
1.	Failure to sample monitor, report (routing reports, BMR's etc.) or notify	Isolated infrequent	Phone call within 2 days of initial violation detection requiring a report to be submitted within 7 days from the date of the phone call.	EC
			If no report received within these 7 days, notice of violation (NOV) sent within 10 days from the date the report was to be received requiring report submission immediately. (If no response is received within 30 days of original due date, permittee is in SNC.) Within 10 days after SNC status, notify permittee of SNC status and require submission of report immediately.	EC
			Administrative Order (AO) issued within 30 days if no response is received after 30 days from original due date.	OS, D
2.	Failure to sample monitor, report, or notify.	IU does not respond to letters, does not follow through on verbal or written agreement, or frequent violation – SNC. (This circumstance is related to Item A1 above.)	AO within 30 days if no response is received after 30 days from original due date.	OS, D
			Director may suspend service and/or the wastewater Discharge Permit. May request judicial action including penalties and/or criminal investigation depending on circumstance.	D
3.	Failure to notify of effluent limit violation or slug.	Isolated or infrequent No known effects. (May be SNC – failure to accurately report non-compliance.)	Phone call within 24 hours after discovery of incident to ask industrial user (IU) why notification was not made and to determine what happened.	EC
			Evaluate IU response and write letter requesting additional information or appropriate response within 7 days of phone call if needed. Provide due dates in correspondence.	EC
			If response is not received within 7 days of due date, issue NOV within 5 days after due date requiring response within 7 days of NOV.	EC
			Request show cause meeting or issue AO within 30 days after requiring response if no response received.	D, C
			Impose appropriate administrative fines.	D, C

EC – ENVIRONMENTAL COORDINATOR

OS – OPERATIONS SUPERINTENDENT

D – DIRECTOR

C – MUNICIPAL UTILITIES COMMISSION

4.	Failure to notify of effluent limit violation or slug discharge.	Frequent or continued violation (May be SNC – failure to accurately report non-compliance.)	Within 7 days of initial violation detection, NOV requesting written response due in 10 days of NOV as to why notification not made and what happened to cause violation.	EC
			Schedule show cause meeting or issue AO within 30 days after response due date if no response received.	OS, D
5.	Failure to resample (due 30 days after discover of violation.) (The October 17, 1988 Revisions to the Pretreatment Regulations include a requirement to repeat effluent analysis after each violation and provide the information to the Control Authority within 30 days.)	Infrequent or Frequent	Within 7 days after report due, phone call or NOV.	EC
			Escalate to AO within 30 days after response due date if no response received or if violations continue.	OS, D
			Impose appropriate administrative penalties	D, C
6.	Failure to notify of effluent limit violation or slug discharge	Known environmental (i.e., pass-through or interference) and/or POTW damage results – SNC.	Judicial action and penalties within 90 days of initial violation detection.	D, C
7.	Minor sampling, monitoring, or reporting deficiencies (computational or typographical errors.)	Isolated or infrequent.	Phone call within 7 days of initial violation detection. Corrections to be made on the next submittal. NOV if continued.	EC
8.	Late Reports	Any beyond due date	Late Report Processing Fee assessed at a rate computed annually by the Commission in accordance with §10.08.03	EC
9.	Major or gross sampling, monitoring, or deficiencies (missing information, late reports.)	Isolated or infrequent.	NOV within 7 days of initial violation detection. Corrections to be made on the next submittal.	EC
10	Major or gross sampling, monitoring, or reporting deficiencies (missing information, late reports.)	Frequent. Two consecutive months or more than 3 per year.	NOV within 7 days of 2 nd violation detection. Call IU for show cause hearing.	EC OS, D
11	Major or gross reporting deficiencies.	Continued. Remains uncorrected 30 days or more – SNC (Related to A2)	AO or judicial action within 30 days of SNC determination.	OS, D

B. COMPLIANCE SCHEDULES (Construction Phases or Planning):

	<u>NONCOMPLIANCE</u>	<u>CIRCUMSTANCES</u>	<u>RANGE OF RESPONSE</u>	
1.	Reporting false information.	Any instance – SNC	Request for criminal investigation within 90 days of initial violation detection. Judicial action, penalties, and /or sewer ban may be initiated within 90 days of initial violation detection.	D, C
2.	Missed interim date.	Will not cause late final date or other interim dates. Violation for good or valid cause.	NOV within 10 days of initial violation detection.	EC

EC – ENVIRONMENTAL COORDINATOR

OS – OPERATIONS SUPERINTENDENT

D – DIRECTOR

C – MUNICIPAL UTILITIES COMMISSION

3.	Missed interim date.	Will result in other missed interim dates. Violation for goof or valid cause	NOV within 10 days of initial violation detection. AO within 30 days of initial violation detection, depending on circumstances. Impose appropriate civil penalties and administrative penalties.	EC OS, D D, C
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C. EFFLUENT LIMITS:

	<u>NONCOMPLIANCE</u>	<u>CIRCUMSTANCES</u>	<u>RANGE OF RESPONSE</u>	
1.	Exceeding final limits (categorical, local, or prohibited.)	Infrequent or isolated minor violations.	NOV within 10 days of initial violation detection. AO within 30 days of initial violation detection, depending on circumstances. Impose appropriate civil penalties and administrative penalties.	EC OS, D D, C
2.	Exceeding final limits.	Infrequent or isolated major violations exceed the limits by TRC of an individual effluent limit.	NOV within 15 days of initial violation detection including notification to IU of SNC definition and status. AO within 90 days of initial violation detection Judicial action if environmental harm (pass-through or interference resulted, including penalty). Impose appropriate civil penalties and administrative penalties.	EC OS, D D, C
3.	Exceeding final limits.	Violation(s) that are SNC (i.e., meet chronic and/or TRC criteria for SNC).	AO within 90 days of initial violation detections. Judicial action, including penalty, within 90 days of SNC determination. Impose appropriate civil penalties and administrative penalties	OS, D D, C
4.	Exceeding interim limits.	Infrequent violations without known damages.	NOV within 10 days of initial violation detection. AO within 90 days of initial violation detection Impose appropriate civil penalties and administrative fines.	EC OS, D D, C
5.	Exceeding interim limits.	Frequent violations without known damages.	AO within 90 days of initial violation detection Judicial action, including penalty within 90 days of initial violation detection depending on circumstances. Impose appropriate civil and administrative penalties.	OS, D D, C
6.	Exceeding interim limits	Infrequent or frequent violations results in known environmental or POTW damage – SNC.	Judicial action, including penalty within 90 days of initial violation detection depending on circumstances. Impose appropriate civil and administrative penalties.	D, C

7.	Reported slug load.	Isolated without known damage	Within 90 days of initial violation detection depending on circumstances require IU to submit report to VBMU with cause and remedy.	EC
8.	Reported slug load.	Isolated with known interference, pass-through, or damage – SNC.	AO or judicial action, including penalty within 90 days of initial violation detection.	D, C
9.	Reported slug load	Recurring – SNC.	Judicial action, including penalty within 90 days of initial violation detection. Impose sewer ban if circumstances warrant.	D, C
10.	Discharge without a permit or approval.	Discharge without known environmental or POTW damage.	AO within 90 days of initial violation detection. Impose sewer ban if circumstances warrant.	D
11.	Discharge without a permit or approval	Discharge that results in environmental or POTW damage or continuing violation – SNC	AO or judicial action including penalty within 90 days of initial violation detection. IF IU fails to cooperate, disconnect from sewer. Request for criminal investigation within 30 days of initial violation detection if circumstances warrant. Begin permit issuance process within 30 days of initial violation detection.	D, C
12.	Discharge without a permit or approval.	Continuing violation with known environmental or POTW damage – SNC.	Judicial action including penalty. Request for criminal investigation. Disconnect from sewer within 30 days of initial violation detection if IU fails to cooperate.	D, C

D. NONCOMPLIANCE DETECTED THROUGH INSPECTIONS OR FIELD INVESTIGATIONS:

	<u>NONCOMPLIANCE</u>	<u>CIRCUMSTANCES</u>	<u>RANGE OF RESPONSE</u>	
1.	Minor violation of analytical procedures.	Any instance.	NOV within 10 days of initial violation detection. Require correction. Escalate to AO within 90 days of initial violation detection if circumstances warrant.	EC OS, D
2.	Major violation of analytical procedures.	No evidence of intent.	NOV within 10 days of initial violation detection or AO within 90 days of initial violation detection. AO within 90 days of initial violation detection. Impose appropriate administrative penalties. Require correction.	EC OS, D D, C
3.	Major violation of analytical procedures.	Evidence of negligence or intent – SNC	AO or judicial action and penalty (possible criminal action) within 90 days of initial violation detection, depending on circumstances. Impose appropriate administrative penalties. Impose appropriate administrative penalties. Require correction.	D, C
4.	Minor violation of permit condition.	No evidence of negligence or intent.	NOV within 10 days of initial violation detection. Immediate correction required.	EC

5.	Minor violation of permit condition.	Evidence of negligence or intent – SNC	AO judicial action and penalty (possible criminal action) within 90 days of SNC determination. Impose appropriate administrative penalties.	OS, D, C
6.	Major violation of permit condition.	Evidence of negligence or intent – SNC.	AO or judicial action and penalty (possible criminal action) within 90 days of SNC determination. Sewer ban may be initiated if circumstances warrant.	OS, D, C
7.	Potential violations.	Chemicals stored near a floor drain with no spill prevention plan in effect.	Letter within 10 days of initial violation detection informing the industry of a potential violation. Required correction within 30 days. Escalate to NOV then AO if condition persists. Impose appropriate administrative penalties.	EC EC, OS, D D, C
8.	Entry denial.	Entry denied or consent withdrawn; copies of records denied – SNC.	Obtain warrant and return to IU.	EC, OS, D

GENERAL NOTES:

1. Whenever a notice of violation is issued that requires a response and the industrial user fails to respond, the Van Buren Municipal Utilities will issue an administrative order (AO) within 30 days to require the industrial user to respond and return to compliance immediately. The AO is signed by Director of Utilities, Van Buren Municipal Utilities or an Operations Superintendent authorized by the Director.

SIGNIFICANT NONCOMPLIANCE (SNC):

After completion of the compliance screening violations will be characterized and a determination made as to whether the use is in Significant Noncompliance (SNC). Certain instances of noncompliance are not of sufficient impact to justify extensive enforcement actions. However, certain violations are patterns of violations are significant and must be identified as such. Such SNC may be based on an individual or long-term incidence of occurrences.

Categorization of industrial users as being in SNC allows the Van Buren Municipal Utilities to establish priorities for enforcement action and provides a means for reporting on the significant industrial user performance summary.

Instances of SNC are industrial user violations which meet one or more of the following criteria (From 40 CFR Part 403.8 (f) (vii)):

- A. Chronic violations of wastewater discharge limits, are those in which sixty-six percent or more of all measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil , and grease; and 1.2 for all other pollutants except pH.);
- C. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Department determines has caused, alone or in combination with other discharges, interference or pass through at the POTW (including endangering the health of POTW personnel or the general public);
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f) (1) (vi) (B) of the above cited CFR, to halt or prevent such a discharge;
- E. Violations of compliance schedule milestones contained in enforcement orders as well as schedules contained in the Industrial Discharge Permits, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.

- F. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report non-compliance;
- H. Any other violation or group of violations that the Van Buren Municipal Utilities considers to be significant because it may adversely affect the operation or implantation of the pretreatment program.

Major Violations: Major violations are those that exceed the limits frequently and/or by a large quantity (e.f., the technical review criteria); impede the determination of compliance status; have the potential to cause or may have actually caused adverse environmental effects (i.e., cause “pass through” of pollutants to the receiving waters), health problems or interfered with the plant’s treatment capability (i.e., “interference”). Any violation that meets the definition of SNC is considered a major violation.

Minor Violations: Minor violations include industries submitting reports with computational or typographical errors, and any other violations the Van Buren Municipal Utilities considers to be of significance.

Frequent Violation: Frequent violations are those continued violations that occur at least twice consecutively or three times in a one year period.

Notice of Violation: A Notice of Violation (NOV) will consist of notifying the industrial user of the violation and requesting a response. It will require the industrial user to take certain steps within specific time frames to correct the violation. It will be sent by Certified Mail, or hand delivered.

Administrative Order: An administrative order (AO) will require industrial user compliance with an enforceable schedule for the user and/or require a response and return to compliance.

Judicial Action: Judicial action will consist of a criminal and/or civil suit against alleged violators of applicable pretreatment standards and may result in imprisonment.

Show Cause Hearing/Meeting: A show cause hearing/meeting consists of the industrial user in noncompliance discussing why the Van Buren Municipal Utilities should not initiate formal action or discontinue sewer service or a meeting to explain the facts of a particular circumstance.

Legal Authority: The legal authority to implement the pretreatment program is found in the Van Buren Industrial Pretreatment Ordinance 26-2009, under authority conferred by Federal Law, State Law, and by City Ordinance of the City of Van Buren, Arkansas.

FIGURE 1
ORGANIZATIONAL STRUCTURE FOR ENFORCEMENT RESPONSE

City Council (CC)

Governing body of the entity responsible for the POTW. The City Council authorizes judicial actions toward seeking criminal penalties for violation of pretreatment.

Mayor (M)

Chief Administrative Office of the entity responsible for the POTW.

City Attorney (CA)

Legal Counsel of the entity responsible for the POTW. City Attorney may represent the City (Control Authority) in civil and criminal judicial actions against IUs.

Van Buren Municipal Utilities Commission (C)

The administering body of the control authority for the POTW wherein the industrial user (IU) is located. The Commission must approve any orders by the Director. The Commission assists the Van Buren Municipal Utilities by authorizing the Utilities to seek appropriate judicial relief to levy penalties against the IUs.

Director (D)

Administrative Officer of the POTW operating under the Authority of the Commission. Signs any administrative orders and seeks appropriate judicial relief to levy penalties against the industrial users (IU). Aids the Environmental Coordinator during show cause meetings.

Commission Attorney (A)

Legal advisor of the Van Buren Municipal Utilities Commission. The Commission Attorney advises the Commission regarding the legal aspects of the Pretreatment Program.

Commission Engineer (E)

Technical advisor of the Van Buren Municipal Utilities Commission. The Commission Engineer advises the Commission and the Department regarding the technical implementation of the Pretreatment Program.

FIGURE 1 (CONT.)
ORGANIZATIONAL STRUCTURE FOR ENFORCEMENT RESPONSE

Operations Superintendent (OS)

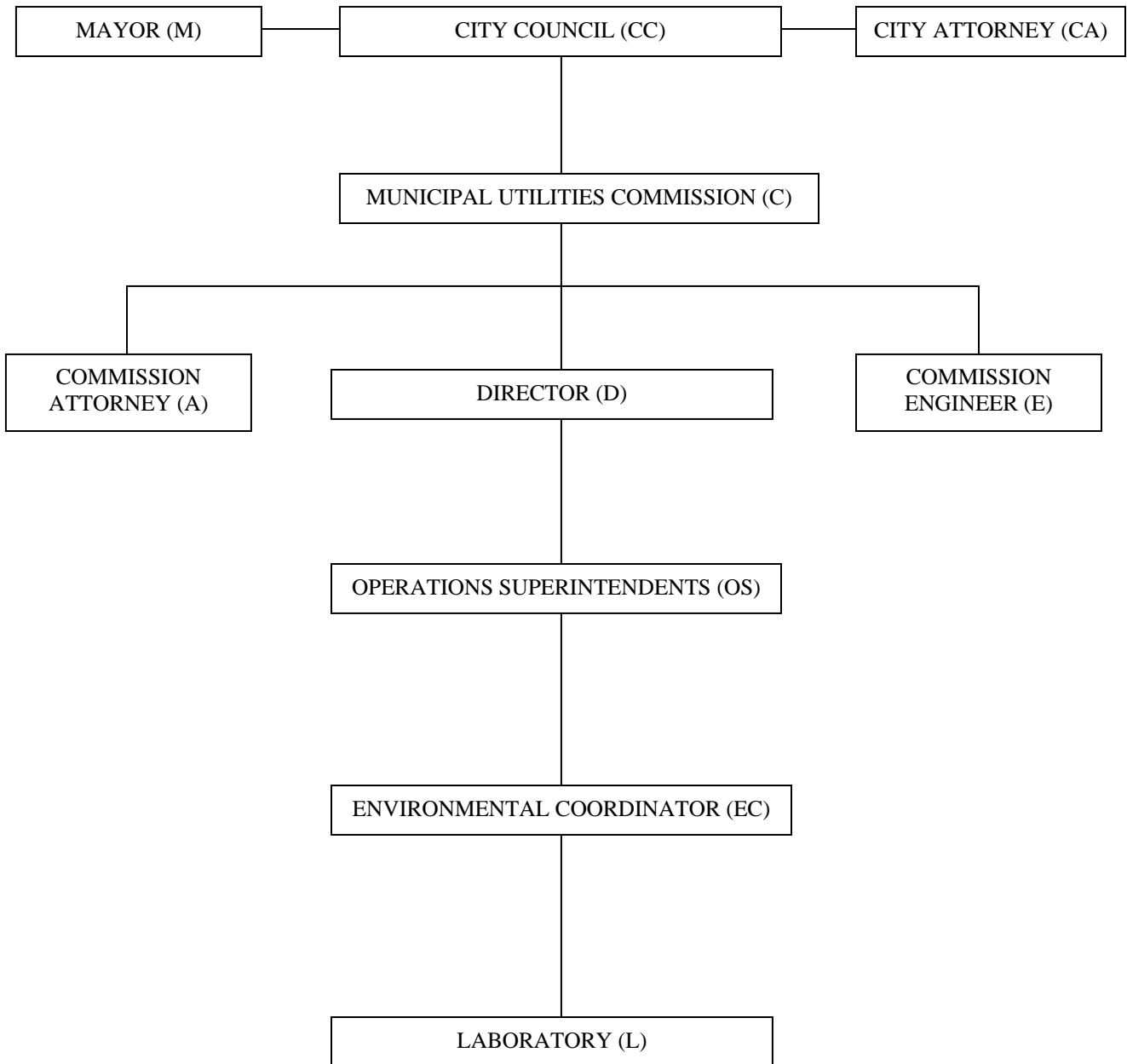
Oversee of operations for the POTW and the implementation of the Pretreatment Program.

Environmental Coordinator (EC)

Reviews self-monitoring reports for accuracy, completeness and violations. Notifies violator by phone, signs letters/notices of violation, prepares any necessary orders, and notifies an IU of the need for a show cause meeting. Is present during show cause meeting to justify need for meeting and to help IU to seek solutions.

Laboratory (L)

The Laboratory represents the Department staff and the staff of independent consulting laboratories which are charged with the responsibility of collecting, conveying, and analyzing waste water and its constituents for compliance with the Pretreatment Program. Test results and Chain of Custody Records shall be used for the implementation of the pretreatment program and for judicial actions against IUs.



ERP
 ORGANIZATION CHART
 VAN BUREN MUNICIPAL UTILITIES

LEGAL AUTHORITY

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(1914-2002)

September 3, 2010

Mr. C.E. Dougan, Chairman
Van Buren Municipal Utilities Commission
P.O. Drawer 1269
Van Buren, AR 72957

Re: City of Van Buren Pretreatment Program
Development
(Permit No. AR0021482, AFIN 17-00062)

Dear Mr. Dougan:

In my capacity as counsel for the Van Buren Municipal Utilities Commission, I have been requested to render an opinion regarding the authority required of the City of Van Buren under Section 403.9 of Title 40, Part 403 promulgated under the Federal Clean Water Act.

After review of the City Ordinances relative to this subject, it is my opinion that under the updated city Ordinances 26-2009 and 27-2009, the City of Van Buren, through the Van Buren Utilities Commission, has the necessary authority and powers to carry out the program as set forth in Section 403.8 of the applicable federal regulations. Upon enactment of the updated Ordinance by the City Council of Van Buren, subject to the approval of the Arkansas Department of Environmental Quality and the United States Environmental Protection Agency, the Van Buren Municipal Utilities, in my opinion, will have the requisite authority and powers to enforce the pretreatment program.

The Arkansas Legislature has vested the authority in the cities of the State to construct, operate, and maintain their sewerage systems, delegating their requisite authority to establish a pretreatment program as required by Section 403.8(f). Legislation originally passed in 1933 and indexed as Arkansas Code Annotated Sections 14-235-206, 14-235-207 and 14-235-301, provides for the cities of first and second class to operate and maintain their sewerage systems by and through a sewer commission. It is therefore my opinion that the Van Buren Municipal Utilities can enact such pretreatment program as and when so authorized by the City Council of Van Buren.

The specific provisions of the Pretreatment Ordinances giving authority are set forth as follows:

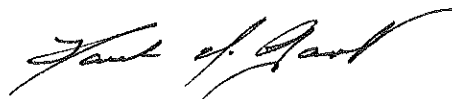
Section of Regulations	Description	Citation to City Ordinance
		Ordinance 26-2009
403.8(f)(1)(i)	Denial of Pollutant Contribution	10.08.02(1) & 10.08.02(2.5)
403.8(f)(1)(ii)	Require Compliance with Standards	10.08.02(2.1)& 10.08.02(2.2)
403.8(f)(1)(iii)	Control with Permit System	10.08.05(1) & 10.08.05(2)
403.8(f)(1)(iv)	Require Compliance Schedule and Monitoring	10.08.05(3) & 10.08.05(3)(B)(4)
403.8(f)(1)(v)	Inspection	10.08.05(4) & 10.08.05(5)
403.8(f)(1)(vi)	Remedies for Non-compliance	10.08.06 & 10.08.07
403.8(f)(1)(vii)	Confidentiality	10.08.05(6)

The pretreatment program requirements will be implemented and the pretreatment standards applied to individual industrial users pursuant to this Ordinance, which utilizes a permit system and surcharge pursuant to Ordinance No. 27-2009.

The Van Buren Municipal Utilities Commission does intend to require all reporting and monitoring standards be kept and to exercise rights of admission, inspection, and monitoring. The enforcement method to be used may be denials of permits, refusal to allow discharges, administrative penalties, and court action where necessary for injunctive and damage relief.

Please feel free to contact me if further response is necessary.

Sincerely,



PAUL D. GANT

PDG:lg

cc: Mr. Larry Weir

EXISTING ORDINANCES

AN ORDINANCE RELATING TO THE PROTECTION OF PUBLIC HEALTH AND PREVENTION FOR THE SUPERVISION, REGULATION AND INSPECTION OF PLUMBING AND GAS FITTING DECLARING AN EMERGENCY AND OTHER RELATED PURPOSES, WHEREAS, the City Council of the City of Van Buren has passed and approved an ordinance adopting the State Plumbing Code on the 4th Sept. 1956 and whereas it is necessary to provide for the enforcement of the said code; and WHEREAS it is in the public interest that gas fitting be regulated, and inspected, and said regulation and inspection be enforced.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF VAN BUREN, ARKANSAS:

Section 1. There is hereby created the position of Chief Plumbing Inspector of the City of Van Buren, Arkansas, who shall also be the Chief Gas Inspector, and as many assistants as are needed to discharge the duties of this office. The Chief Plumbing Inspector and all assistants be appointed by the Mayor and approved by the City Council of the City of Van Buren, Arkansas. His appointment shall continue during good behavior and satisfactory service. During temporary absence or disability of the Chief Plumbing and Gas Inspector the appointing authority shall designate an acting Chief Plumbing and Gas Inspector.

Section 2. To be eligible to appointment, the candidate for the position shall have a knowledge of plumbing. He shall not be connected in any business engaged in plumbing and gas fitting or the sale of plumbing and gas fixtures, appliances and material, either directly or indirectly.

Section 3. The Chief Plumbing and Gas Inspector shall inspect all plumbing, drainage, gas piping or compliance with this Ordinance, and all regulations herein provided for.

Section 3. It shall be the duty of the Chief Plumbing and Gas Inspector to enforce the State Plumbing Code which was Passed and Approved by the City Council of the City of Van Buren, Arkansas on the 4th Sept. 1956 and all gas installation be done in a safe, sanitary, unobnoxious manner and not detrimental to the public welfare.

Section 4. No plumbing or drainage piping, gas piping or the installation of or the replacement of, plumbing or gas appliances, fixtures, equipment shall be done in any building or property in the City of Van Buren, Arkansas, without applying for and obtaining a permit to do such work.

Section 5. The following fees shall be paid to the Chief Plumbing and Gas Inspector, his assistants or City Clerk of the City of Van Buren, Arkansas.

(a) Plumbing Fees:

Plumbing rough-in inspection included in fixture fees for each plumbing fixture outlet .50
Water service 1.00
Sewer tar 1.00
for each septic tank installation 1.00

ing Chief Plumbing and Gas Inspector.

Section 2. To be eligible to appointment, the candidate for the position shall have a knowledge of plumbing. He shall not be connected in any business engaged in plumbing and gas fitting or the sale of plumbing and gas fixtures, appliances and material, either directly or indirectly.

Section 3. The Chief Plumbing and Gas Inspector shall inspect all plumbing, drainage, gas piping or compliance with this Ordinance, and all regulations herein provided for.

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(a) Plumbing Fees:

Plumbing rough-in inspection included in fixture fees for each plumbing fixture outlet .50
Water service 1.00
Sewer tar 1.00
for each septic tank installation 1.00

Section 6. There shall be a minimum of two test or inspections by the Chief Plumbing Inspector or his Assistants. First known as the rough-in inspection. The second or final inspection is to be made when all plumbing, drainage, water, piping or gas piping is in place but uncovered.

a) The plumber shall have all water outlets closed except one opening and water pressure on the entire system and the water test shall be applied to all drains or in Sections as outlined in the Arkansas State Plumbing Code.

(b) All gas piping, fixtures, appliances, equipment and materials including gas vents or flues shall be subjected to such test as required by the Chief Plumbing and Gas Inspector, providing that the Inspector shall require some approved test to insure safe operation of such piping equipment, appliance or materials.

Section 7. No person, firm or corporation shall dig or cause to be dug or excavated within through or under, any improved

Section 8. No final certificate of inspection shall be issued until all fees are paid. All fees collected under this ordinance will be deposited in the general funds of the City of Van Buren, Arkansas, and a record kept thereof.

Section 9. The Chief Plumbing Inspector and Chief Gas Inspector shall receive 3/4 of the money received for his inspection, and the City of Van Buren, Arkansas is to receive 1/4 of the money received to defray the necessary expenses to city for the administration of the Plumbing Code.

Section 10. If the Chief Plumbing and Gas Inspector should fail to approve the job at the time of the rough in inspection or second or final inspection he shall end or final inspection he shall state his reasons in writing and the applicant shall have a reasonable time to correct the defects.

Section 11. If any person is refused a certificate of inspection, they may appeal to the City Council of the City of Van Buren, Arkansas at its regular meeting and not thereafter.

Section 12. Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than \$10.00 nor more than \$50.00 and in addition thereto be ordered to remove any work not authorized or which fails to pass the inspection after being given time to correct the defects.

Section 13. That by reason of the immediate necessity of protecting the community an emergency is hereby declared to exist, and this ordinance being necessary for the immediate preservation of the public peace, health and safety shall take effect and be in force from and after its passage, approval and publication.

(b) Gas fees:

For gas service and gas out-lets 1.50
For each water heater 1.00
For each floor furnace 1.00
For each unit heater 2.00
For each boiler 1.00
For each central heating unit 1.00
For each conversion burner 1.00
For each wall heater of any type 1.00

(c) Plumbing and Gas

For final certificate of inspection. 1.00

Section 6. There shall be a minimum of two test or inspections by the Chief Plumbing Inspector or his Assistants. First known as the rough-in inspection. The second or final inspection is to be made when all plumbing, drainage, water, piping or gas piping is in place but uncovered.

a) The plumber shall have all water outlets closed except one opening and water pressure on the entire system and the water test shall be applied to all drains or in Sections as outlined in the Arkansas State Plumbing Code.

(b) All gas piping, fixtures, appliances, equipment and materials including gas vents or flues shall be subjected to such test as required by the Chief Plumbing and Gas Inspector, providing that the Inspector shall require some approved test to insure safe operation of such piping equipment, appliance or materials.

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Section 12. Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than \$10.00 nor more than \$50.00 and in addition thereto be ordered to remove any work not authorized or which fails to pass the inspection after being given time to correct the defects.

Section 13. That by reason of the immediate necessity of protecting the community an emergency is hereby declared to exist, and this ordinance being necessary for the immediate preservation of the public peace, health and safety shall take effect and be in force from and after its passage, approval and publication.

Section 14. Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than \$10.00 nor more than \$50.00 and in addition thereto be ordered to remove any work not authorized or which fails to pass the inspection after being given time to correct the defects.

Section 15. That by reason of the immediate necessity of protecting the community an emergency is hereby declared to exist, and this ordinance being necessary for the immediate preservation of the public peace, health and safety shall take effect and be in force from and after its passage, approval and publication.

Section 16. Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than \$10.00 nor more than \$50.00 and in addition thereto be ordered to remove any work not authorized or which fails to pass the inspection after being given time to correct the defects.

Section 17. That by reason of the immediate necessity of protecting the community an emergency is hereby declared to exist, and this ordinance being necessary for the immediate preservation of the public peace, health and safety shall take effect and be in force from and after its passage, approval and publication.

street, alley, sidewalk, or public highway within the City Limits of Van Buren, Arkansas without first obtaining a permit from the proper authority. All such work shall be properly protected by barricades, signs and lights. Upon said work being inspected and approved the person, firm or corporation shall replace the street, alley, sidewalk, or public highway in a workmanlike way.

Section 8. No final certificate of inspection shall be issued until all fees are paid. All fees collected under this ordinance will be deposited in the general funds of the City of Van Buren, Arkansas, and a record kept thereof.

Section 9. The Chief Plumbing Inspector and Chief Gas Inspector shall receive 3/4 of the money received for his inspection, and the City of Van Buren, Arkansas is to receive 1/4 of the money received to defray the necessary expenses to city for the administration of the Plumbing Code.

Section 10. If the Chief Plumbing and Gas Inspector should fail to approve the job at the time of the rough in inspection or second or final inspection he shall end or final inspection he shall state his reasons in writing and the applicant shall have a reasonable time to correct the defects.

Section 11. If any person is refused a certificate of inspection, they may appeal to the City Council of the City of Van Buren, Arkansas at its regular meeting and not thereafter.

Section 12. Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than \$10.00 nor more than \$50.00 and in addition thereto be ordered to remove any work not authorized or which fails to pass the inspection after being given time to correct the defects.

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Section 14. Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than \$10.00 nor more than \$50.00 and in addition thereto be ordered to remove any work not authorized or which fails to pass the inspection after being given time to correct the defects.

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Section 16. Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than \$10.00 nor more than \$50.00 and in addition thereto be ordered to remove any work not authorized or which fails to pass the inspection after being given time to correct the defects.

Section 17. That by reason of the immediate necessity of protecting the community an emergency is hereby declared to exist, and this ordinance being necessary for the immediate preservation of the public peace, health and safety shall take effect and be in force from and after its passage, approval and publication.

Section 18. Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than \$10.00 nor more than \$50.00 and in addition thereto be ordered to remove any work not authorized or which fails to pass the inspection after being given time to correct the defects.

Section 19. That by reason of the immediate necessity of protecting the community an emergency is hereby declared to exist, and this ordinance being necessary for the immediate preservation of the public peace, health and safety shall take effect and be in force from and after its passage, approval and publication.

PASSED AND APPROVED
THIS 2nd day of February, 1959.
ALLEN R. TOOTHAKER
Mayor

CITY OF VAN BUREN, ARKANSAS

ORDINANCE NO. 32 -2008

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE TO ADOPT THE MOST CURRENT ARKANSAS PLUMBING CODE AND FUEL GAS CODE; TO AMEND VAN BUREN'S PLUMBING CODE ORDINANCE, ORDINANCE NO. 08-1959, AS AMENDED; AND FOR OTHER PURPOSES.

WHEREAS, the City of Van Buren has adopted the Arkansas State Plumbing Code pursuant to Ordinance No. 08-1959, as amended, which constitutes the official policy of the city with regard to the installation and maintenance of all residential and commercial plumbing within its corporate city limits; and

WHEREAS, The purpose of this adopted code is to establish uniform rules and regulations for installing, altering, and repairing water, sewer and gas lines within the corporate limits of Van Buren. This Ordinance is not intended, nor shall it be construed, to create a duty on the part of the City or its officials, employees or agents, to protect the health, safety or economic interests of any person or entity, and no person or entity shall have the right to rely on this Code, or any action taken or not taken hereunder, as a basis to assert any claim for any loss, damage or expense against the City, its officials, employees or agents.

WHEREAS, the revised Plumbing Code and Fuel Gas Code hereto was reviewed by the Van Buren Planning Commission, and upon notice of a Public Hearing and publication, was set for a Public hearing conducted by the Commission, in accordance with state law; and

WHEREAS, the proposed amendments to the Van Buren Municipal Code herein were recommended by a majority vote of the entire Planning Commission.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS, THAT:

SECTION 1: The 2006 Edition of the Arkansas Plumbing Code, as published by the International Code Council for the Arkansas State Health Department, to include all appendices thereto, and the 2006 Arkansas Fuel Gas Code, are and have been prior to adoption on file in the office of the city clerk, the availability of such codes, for inspection by the public, has been duly published.

SECTION 2: Subject to the provisions of A.C.A. § 14-55-207 and A.C.A. § 14-54-1012, the following are hereby adopted by reference for the City of Van Buren as though set out herein word for word:

- (a) Arkansas State Plumbing Code, Tenth Edition, 2006;
- (b) Arkansas State Fuel Gas Code, 2006 Edition;
- (c) All rules and regulations of the state board of health governing the construction, installation and inspection of plumbing and drainage;
- (d) Any administrative regulations of the state committee of plumbing examiners;
- (e) All of the above, as amended to the date of this Code, together with all subsequent amendments, unless the city shall, by ordinance, modify or delete any such future amendment.

SECTION 3: Section I of Ordinance No. 08-1959, as amended (Van Buren Municipal Code 11.12.02) is amended as follows:

State Code: The provisions and regulations of the Arkansas State Plumbing Code and the Arkansas State Fuel Gas Code, and any amendments thereto adopted by the State Board of Health of Arkansas are made a part of this chapter by reference, and a three (3) certified copy or copies of which shall be maintained on file in the office of the City Clerk/Treasurer, as required by state law. and shall extend over and govern the installation of all plumbing for water, sewer, or fuel gas, installed, altered or repaired within or without the city ~~wherever water and/or sewage service originating from the municipal water and/or sewer system is furnished.~~

SECTION 4: the Title of Chapter 11.12 of the Van Buren Municipal Code is amended to read as follows: "Plumbing and Fuel Gas Code"

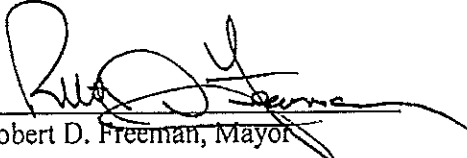
SECTION 5: *Severability:* The various provisions and parts of this Ordinance are hereby declared to be severable, and, if any section or part of a section, or any provision or part of a provision herein, is declared to be unconstitutional, inappropriate, or invalid by any court of competent jurisdiction, such holding shall not invalidate or affect the remainder of this Ordinance and to that extent the provisions hereto are declared to be severable.

SECTION 6: *Code Application:* Permits obtained prior to the effective date of this ordinance will be enforced under the previous adopted code until final disposition of the permit.

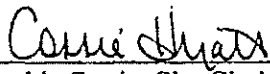
SECTION 7: *Repealer:* All laws, ordinances, resolutions, or parts of same that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8: *Effective Date:* The effective date of this ordinance is January 1, 2009.

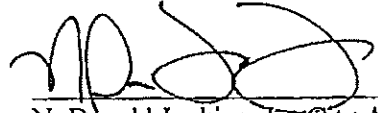
IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of 6 for and 0 against, the foregoing Ordinance at its Meeting held on the ~~15th~~^{22nd} day of December 2008.


Robert D. Freeman, Mayor

ATTESTED:


Barbie Curtis, City Clerk/Treasurer
Deputy City Clerk

APPROVED AS TO FORM:


N. Donald Jenkins, Jr., City Attorney

ORDINANCE NO. 7-A - 1992

AN ORDINANCE AMENDING ORDINANCE NO. 1-1978 AND AMENDING VAN BUREN MUNICIPAL CODE CHAPTER 10.16, FIXING RATES AND CHARGES FOR TAPS MADE TO THE VAN BUREN WATER AND SEWER SYSTEM, DECLARING AN EMERGENCY AND FOR ALL OTHER PURPOSES.

WHEREAS, the cost of labor and material for tapping water and sewer lines within the City of Van Buren, Arkansas, has increased materially since the same were fixed by Ordinance No. 1-1978, passed and approved January 17, 1978; and,

WHEREAS, the City of Van Buren, Arkansas, is obligated to the payment of bonded indebtedness of construction of improvements and betterments to the system, and cost of operating the water and sewer system make it necessary that service charges and charges for making water and sewer taps be increased and the increased cost thereof be passed on to the customers; and,

WHEREAS, it is necessary for the City Council of the City of Van Buren, Arkansas, to establish service charges and charges for tapping water and sewer lines to insure that the same remain uniform and equitable; and,

WHEREAS, the Van Buren Water and Sewer Commission upon a necessary and complete investigation have found that it is necessary to the interest of the City and its inhabitants that the rates charged for the facilities and services afforded by the Water and Sewer System of the City of Van Buren, Arkansas, be adjusted as follows and have offered such proposal to the City Council of the City of Van Buren, Arkansas:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS, that Ordinance NO. 1-1978 is hereby repealed and that Chapter 10.16 of the Van Buren Municipal Code is hereby in its entirety amended and substituted as follows:

10.16.01 Charges - ordinary. That the following charges for ordinary water taps for consumers within the City of Van Buren, Arkansas, be established as follows:

CHARGES FOR TAPPING WATER LINES
FOR ORDINARY CONSUMERS

<u>Size</u>	<u>Inside City</u>	<u>Outside City</u>
3/4"	\$ 311.00	\$ 466.50
1"	365.00	547.50
1 1/2"	888.00	1,332.00
2" Turbine	1,472.00	2,208.00
2" Compound	2,067.00	3,100.50
3" Turbine	4,000.00	6,000.00
3" Compound	4,750.00	7,125.00
4" Turbine	5,516.00	8,274.00
4" Compound	5,839.00	8,758.50
6" Turbine	5,980.00	8,970.00
6" Compound	7,480.00	11,220.00

In addition to the above charges there will be charged an additional \$325.00 if street cut is required. It shall also be provided that in no case shall one water meter serve two individual buildings, and/or businesses.

10.16.02 Charges - fire line. That charges for fire line taps be established as follows:

CHARGES FOR FIRE LINE TAPS

<u>Size</u>	<u>Charge</u>
6 x 4"	\$ 584.20
6 x 6"	645.12
8 x 4"	714.00
8 x 6"	729.50
8 x 8"	779.50
12 x 4"	786.54
12 x 6"	794.12
12 x 8"	957.50
16 x 4"	1,071.21
16 x 6"	1,078.71
16 x 8"	1,246.42
16 x 12"	1,652.48

In addition to the above initial tap charge, there shall be a flat monthly service charge for fire protection based on .30 per year per sprinkler head divided by 12 to obtain the monthly service charge. This charge shall be in addition to the monthly charge on water consumed through water meters. Installation of the connection is the responsibility of the customer.

10.16.03 Charges - turn on service. That water turn on service charges be established as follows:

TURN ON SERVICE CHARGES

(a) When water is turned on for an established account, a service charge of fifteen dollars (\$15.00) shall be/made.

(b) When water meter is removed for non-payment of bill, there shall be a thirty dollar (\$30.00) service charge (in addition to money owed for water consumed) paid to the Van Buren Water Department before service is restored.

(c) When service has been discontinued for non-payment of bill and water meter has not been removed, then there shall be a

fifteen dollar (\$15.00) charge paid to the Van Buren Water Department prior to restoration of the water service, in addition to money owed for water consumed.

(d) It shall also be provided that when consumer questions the accuracy of the water meter serving his premises, he may place a \$20.00 deposit with the Water Department. The Water Department shall then cause the meter to be tested in accordance with AWWA Standards. If the test shows the meter to be inaccurate, the \$20.00 deposit shall be refunded and the consumers water bill shall be adjusted accordingly. Be it further provided moving existing meters, service lines and/or customer caused damage to City property shall be billed to the customer at fair market cost - including labor, equipment and supplies.

(e) It shall also be provided that consumers outside the city limits of the City of Van Buren, Arkansas, shall be charged 1 1/2 times the above rates.

10.16.04 Charges - ordinary sewer line. That the following charges for ordinary sewer line taps for consumers within and without the City of Van Buren, Arkansas, be established as follows:

CHARGES FOR TAPPING SEWER LINES
FOR ORDINARY CONSUMERS

<u>Size</u>	<u>Inside City</u>	<u>Outside City</u>
4"	\$ 300.00	\$ 450.00
6"	375.00 (plus cost over run if any)	562.50 (plus cost over run if any)

In addition to the above charges there will be charged an additional \$325.00 if street cut is required. Taps larger than 6" shall be based on a minimum charge of \$600.00 plus cost over run, if any. It shall be further provided that in no case shall one sewer tap serve more than one building, and/or business.

THAT, the City Council hereby finds that said charges are reasonable and necessary to be charged for services and for tapping water and sewer lines as hereinabove set out, and it is necessary that same be charged and collected in advance of the services to produce sufficient revenue to pay the labor and material and all other costs in connection therewith.

THAT, all ordinances and parts of ordinances in conflict herewith are hereby repealed.

EMERGENCY CLAUSE: It is ascertained and declared that there is immediate need in order to procure sufficient revenue to operate and maintain the Van Buren Water and Sewer System and to protect the health, lives and property of the inhabitants of the City of Van Buren, Arkansas, and consumers of the Van Buren water and Sewer Department, to charge and collect the charges hereinabove set out; therefore, an emergency is found to exist, this ordinance is necessary for the preservation of the public peace, health and safety, same shall take effect and be in force

without delay and same shall be charged for all such services and
taps made on or after Apr 1, 1992.

PASSED AND APPROVED this 16 day of Mar, 1992.

APPROVED:

Allen R. Toothaker
ALLEN R. TOOTHAKER, MAYOR

ATTEST:

Ann Graham
Ann Graham, City Clerk

ORDINANCE NO. 26

AN ORDINANCE TO REPEAL ORDINANCE NO. 7-1992 AND AMENDING VAN BUREN MUNICIPAL CODE CHAPTER 10.16, ESTABLISHING FEES FOR CONNECTIONS MADE TO THE VAN BUREN WATER AND SEWER SYSTEM, DECLARING AN EMERGENCY AND FOR ALL OTHER PURPOSES.

WHEREAS, the cost of labor and material for connecting water and sewer lines within the City of Van Buren, Arkansas, has increased materially since the same were fixed by Ordinance No. 7-1992, passed and approved March 16, 1992; and,

WHEREAS, the City of Van Buren, Arkansas, is obligated to the payment of bonded indebtedness of construction of improvements and betterments to the system, and the cost of operating the water and sewer system make it necessary that fees for making water and sewer connections (commonly referred to as 'taps') be increased and the increased cost thereof be passed on to the customers; and

WHEREAS, it is necessary for the City Council of the City of Van Buren, Arkansas, to establish fees for connecting to water and sewer lines to insure that the same remain uniform and equitable; and,

WHEREAS, the Van Buren Water and Sewer Commission, upon a necessary and complete investigation, has found that it is necessary to the interest of the City and its inhabitants that the fees charged for the facilities and services afforded by the Water and Sewer System of the City of Van Buren, Arkansas, be adjusted as hereinafter set forth and have offered such proposal to the City Council of the City of Van Buren, Arkansas:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS, that Ordinance No. 7-1992 is hereby repealed and that Chapter 10.16 of the Van Buren Municipal Code is hereby in its entirety amended and substituted as follows:

10.16.01 Charges - Ordinary. That the following fees for ordinary water connections for consumers within the City of Van Buren, Arkansas, be established as follows:

CHARGES FOR CONNECTING TO WATER LINES
FOR ORDINARY CONSUMERS

<u>Size</u>	<u>Inside City</u>	<u>Outside City</u>
3/4"	\$ 430.00	\$ 645.00
1"	577.00	865.00
1 1/2"	1,535.00	2,302.00
2" Turbine	1,829.00	2,743.00
2" Compound	2,748.00	4,122.00
3" Turbine	4,590.00	6,885.00
3" Compound	5,629.00	8,443.00
4" Turbine	6,515.00	9,772.00
4" Compound	7,831.00	11,746.00
6" Turbine	8,421.00	12,631.00
6" Compound	10,880.00	16,320.00
8" Turbine	13,181.00	19,771.00

In addition to the above charges there will be charged an additional \$600.00 if a street cut is required. It shall also be provided that in no case shall one water meter serve two individual buildings, and/or businesses.

10.16.02 Charges - Fire Line. That fees for fire line connections be established as follows:

CHARGES FOR FIRE LINE CONNECTIONS

<u>Size</u>	<u>Charge</u>
6 x 4"	\$ 584.20
6 x 6"	645.12
8 x 4"	714.00
8 x 6"	729.50
8 x 8"	779.50
12 x 4"	786.54
12 x 6"	794.12
12 x 8"	957.50
16 x 4"	1,071.21
16 x 6"	1,078.71

16 x 8"	1,246.42
16 x 12"	1,652.48

In addition to the above initial connection fees, there shall be a flat monthly service charge for fire protection based on .30 per year per sprinkler head divided by 12 to obtain the monthly service charge. This charge shall be in addition to the monthly charge on water consumed through water meters. Installation of the connection is the responsibility of the customer.

10.16.03 Service Charges and Meter Deposits. That water turn on service charges be established as follows:

(a) The utility service charges and meter deposits not included in connection fees shall be set by the utility commission policies.

(b) It shall also be provided that consumers outside the city limits of the City of Van Buren, Arkansas, shall be charged 1 ½ times the above rates.

10.16.04 Charges - Ordinary Sewer Line. That the following fees for ordinary sewer line connections for consumers within and without the City of Van Buren, Arkansas, be established as follows:

CHARGES FOR CONNECTING TO SEWER LINE
FOR ORDINARY CONSUMERS

<u>Size</u>	<u>Inside City</u>	<u>Outside City</u>
4"	\$350.00	\$525.00
6"	400.00 (plus cost over run if any)	600.00 (plus cost over run if any)

In addition to the above charges there will be charged an additional \$600.00 if a street cut is required. Taps larger than 6" shall be based on a minimum charge of \$600.00 plus cost over run, if any. It shall be further provided that in no case shall one sewer tap serve more than one building, and/or business.

THAT, the City Council hereby finds that said fees are reasonable and necessary for connecting to water and sewer lines as herein above set out, and it is necessary that same be charged and collected in advance of the services to produce sufficient revenue

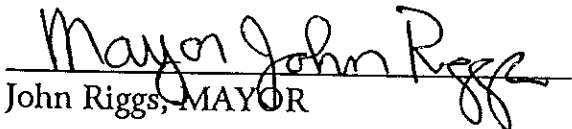
to pay the labor and material and all other costs in connection therewith.

THAT, all ordinances and parts of ordinances in conflict herewith are hereby repealed.

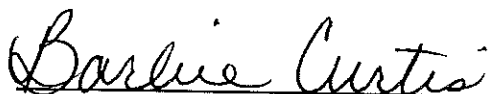
EMERGENCY CLAUSE: It is ascertained and declared that there is immediate need in order to procure sufficient revenue to operate and maintain the Van Buren Water and Sewer System and to protect the health, lives and property of the inhabitants of the City of Van Buren, Arkansas, and consumers of the Van Buren Water and Sewer Department, to charge and collect the fees herein above set out; therefore, an emergency is found to exist, this ordinance is necessary for the preservation of the public peace, health and safety, same shall take effect and be in force without delay and same shall be charged for all such services and connections made on or after January 1, 2003.

PASSED AND APPROVED this 9th day of December, 2002.

APPROVED:


John Riggs, MAYOR

ATTEST:


Barbie Curtis, CITY CLERK

AN ORDINANCE ESTABLISHING RATES FOR SEWER SERVICES SUPPLIED BY THE CITY OF VAN BUREN AND REPEALING PRIOR RATES FOR SUCH SERVICES.

WHEREAS, the City of Van Buren, Arkansas (the "City") owns and operates sewer facilities (the "System") and has determined that certain extensions, betterment's and improvements to the System (the "improvements") are necessary to make the System adequate to serve the needs of the City and its inhabitants; and

WHEREAS, the basic monthly sewer rates are established by Ordinance No. 2-1993 of the City adopted and approved March 15, 1993, and

WHEREAS, in connection with the improvements, it is necessary that the Sewer Rate Ordinance be further amended in order to increase rates charged for the services of the System by approximately 33%; and

WHEREAS, the Van Buren Municipal Utilities Commission, after a complete investigation, has recommended the improvements and the rate increase to the City Council as being in the best interest of the City and its inhabitants;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Van Buren, Arkansas:

Section 1. Rate. That the monthly rates set forth below be, and they are hereby, fixed as the rates to be charged for sewer services furnished to customers of the Sewer System of the City of Van Buren, Arkansas (the "City"), which rates the City Council finds and declares to be reasonable and necessary minimum rates to be charged. Effective January 1, 1999, the rate shall consist of a minimum which shall be based upon the size of the meter necessary for each residence, business, industry and institution using the System and an additional actual usage rate of \$1.55 per thousand gallons or fraction thereof.

Section 2. Section 3 of the Sewer Rate Ordinance is hereby amended to read as follows:

Section 3. The following minimum charge and volume charge rates are established for all Van Buren Sewer System customers.

<u>Size of Meter (Inches)</u>	<u>Monthly Minimum Charges</u>	<u>Volume Charges/1000 Gal.</u>
3/4"	\$ 5.88	\$1.55
1"	12.02	\$1.55
1 1/2"	17.69	\$1.55
2"	98.01	\$1.55
3"	293.99	\$1.55
4"	392.00	\$1.55
6"	588.00	\$1.55

The charges for customers outside the city limits shall be one and one-half (1 1/2) times the rate for customers inside the city limits.

Section 3. The Sewer Rate Ordinance, as amended hereby, shall continue in full force and effect.

Section 4. That it is hereby ascertained and declared that the System is inadequate for the needs of the City and the inhabitants thereof, thus endangering the life, health, safety and welfare of the inhabitants and their property, and that the improvements required to alleviate such hazards can be accomplished only by the enactment of such increased rates as are authorized by this Ordinance. It is therefore, declared that an emergency exists, and this Ordinance, being necessary to the immediate preservation of the public peace, health and safety, shall take effect and be in force from and after its passage.

PASSED this 21st day of December, 1998.

APPROVED:

Mayor John Ruzga
Mayor

ATTEST:

Robert E. Bell
City Clerk

[SEAL]



ORDINANCE NO. 12

ORDINANCE ESTABLISHING RATES FOR SEWER SERVICES SUPPLIED BY THE CITY OF VAN BUREN AND REPEALING PRIOR RATES FOR SUCH SERVICES.

WHEREAS, the City of Van Buren, Arkansas (the "City") owns and operates sewer facilities (the "System") and has determined that certain extensions, betterment's and improvements to the System (the "improvements") are necessary to make the System adequate to serve the needs of the City and its inhabitants; and

WHEREAS, the basic monthly sewer rates are established by Ordinance No. 20 of the City adopted and approved December, 2003; and

WHEREAS, in connection with the improvements, it is necessary that the Sewer Rate Ordinance be further amended in order to increase rates charged for the services of the System by approximately 12.9%; and

WHEREAS, the Van Buren Municipal Utilities Commission, after a complete study and review has recommended the improvements and the rate increase hereinafter set forth to the City Council as being in the best interest of the City and its inhabitants;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Van Buren, Arkansas:

Section 1. Rate. That the monthly rates set forth below be, and they are hereby, fixed as the rates to be charged for sewer services furnished to customers of the Sewer System of the City of Van Buren, Arkansas (the "City"), which rates the City Council finds and declares to be reasonable and necessary minimum rates to be charged. Effective January 1, 2004, the rate shall consist of a minimum which shall be based upon the size of the meter necessary for each residence, business, industry and institution using the System and an additional actual usage rate of \$1.75 per thousand gallons or fraction thereof.

Section 2. Section 3 of the Sewer Rate Ordinance is hereby amended to read as follows:

Section 3. The following minimum charge and volume charge rates are established for all Van Buren Sewer System customers.

<u>Size of Meter (Inches)</u>	<u>Monthly Minimum Charge</u>	<u>Volume charges/1000Gal.</u>
3/4"	\$ 5.88	1.75
1"	12.02	1.75
1 1/2"	17.69	1.75

2"	98.01	1.75
3"	293.99	1.75
4"	392.00	1.75
6"	588.00	1.75

The charges for customers outside the city limits shall be one and one-half (1 1/2) times the rate for customers inside the city limits.

Section 4. The Sewer Rate Ordinance, as amended hereby, shall continue in full force and effect.

Section 5. That it is hereby ascertained and declared that the System is inadequate for the needs of the City and the inhabitants thereof, thus endangering the life, health, safety and welfare of the inhabitants and their property, and that the improvements required to alleviate such hazards can be accomplished only by the enactment of such increased rates as are authorized by this Ordinance. It is therefore, declared that an emergency exists, and this Ordinance being necessary to the immediate preservation for the public peace, health and safety, shall take effect and be in force from and after its passage.

PASSED this 15th day of December, 2003.

APPROVED:



John Riggs, MAYOR

ATTEST:

Barbie Curtis, CITY CLERK

ORDINANCE NO. 15

ORDINANCE ESTABLISHING RATES FOR SEWER SERVICES SUPPLIED BY THE CITY OF VAN BUREN AND REPEALING PRIOR RATES FOR SUCH SERVICES.

WHEREAS, the City of Van Buren, Arkansas (the "City") owns and operates sewer facilities (the "System") and has determined that certain extensions, betterment's and improvements to the System (the "improvements") are necessary to make the System adequate to serve the needs of the City and its inhabitants; and

WHEREAS, the basic monthly sewer rates are presently established by Ordinance No. 12 of the City adopted and approved December 15, 2003; and

WHEREAS, in connection with the improvements, it is necessary that the Sewer Rate Ordinance be further amended in order to increase rates charged for the services of the System; and

WHEREAS, the Van Buren Municipal Utilities Commission, after a complete study and review has recommended the improvements and the rate increase hereinafter set forth to the City Council as being in the best interest of the City and its inhabitants;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Van Buren, Arkansas:

Section 1. Rate. That the monthly rates set forth below be, and they are hereby, fixed as the rates to be charged for sewer services furnished to customers of the Sewer System of the City of Van Buren, Arkansas (the "City"), which rates the City Council finds and declares to be reasonable and necessary minimum rates to be charged. Effective January 1, 2006, the rate shall consist of a minimum which shall be based upon the size of the meter necessary for each residence, business, industry and institution using the System and an additional initial usage rate of \$2.25 per thousand gallons or fraction thereof, said rate to increase to \$2.75 effective January 1, 2007, and to further increase to \$3.25 effective January 1, 2008.

Section 2. Section 3 of the Sewer Rate Ordinance is hereby amended to read as follows:

Section 3. The following minimum charge and volume charge rates are established for all Van Buren Sewer System customers.

<u>Size of Meter</u>	<u>Monthly Minimum Charge</u>	<u>Effective Date 1/1/06 Volume charges/1000Gal.</u>	<u>Effective Date 1/1/07 Volume charges/1000Gal.</u>	<u>Effective Date 1/1/08 Volume charges/1000Gal.</u>
3/4"	\$5.88	\$2.25	\$2.75	\$3.25
1"	\$12.02	\$2.25	\$2.75	\$3.25
1 1/2"	\$17.69	\$2.25	\$2.75	\$3.25
2"	\$98.01	\$2.25	\$2.75	\$3.25
3"	\$293.99	\$2.25	\$2.75	\$3.25
4"	\$392.00	\$2.25	\$2.75	\$3.25
6"	\$588.00	\$2.25	\$2.75	\$3.25

The charges for customers outside the city limits shall be one and one-half (1 1/2) times the rate for customers inside the City limits.

Section 4. The Sewer Rate Ordinance, as amended hereby, shall continue in full force and effect.

PASSED this 15th day of August, 2005.

APPROVED:

John Riggs, MAYOR

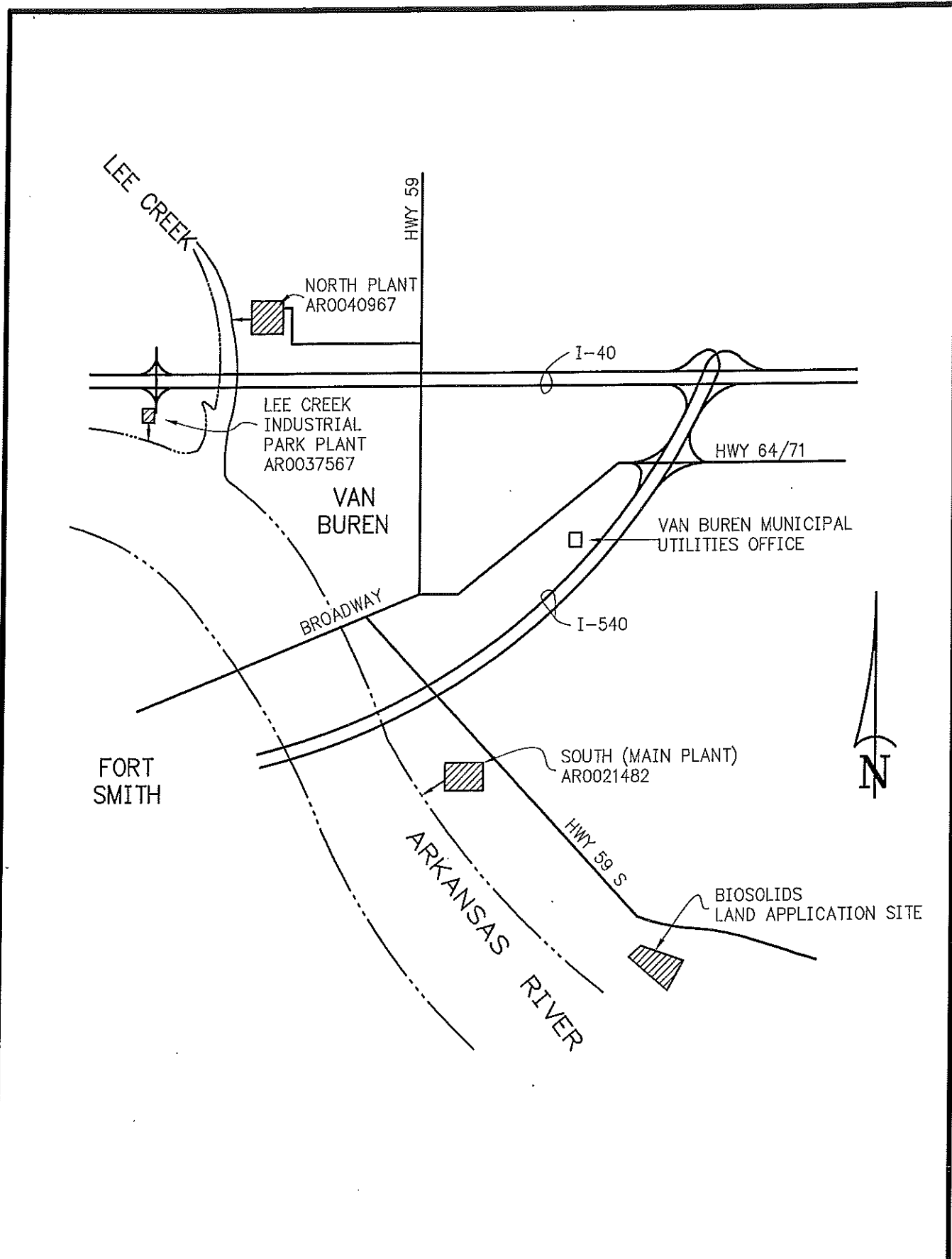
By: Bill R. Swaim
BILL SWAIM,
President Pro Tempore

ATTEST:

Barbie Curtis
Barbie Curtis, CITY CLERK

EXISTING TREATMENT SYSTEMS

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Van Buren Municipal Utilities
Industrial Pretreatment Program

2010

WWTP LOCATION MAP

HWEI PROJECT #09142A

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The Van Buren South Plant, also identified as the Main Plant, is an extended aeration activated sludge treatment facility. It has a design biological treatment capacity of 4.0 MGD based on a domestic sewage characteristic of 250 mg/l BOD5 and 250 mg/l of total suspended solids.

Raw sewage is delivered to the South Plant by pumping only. There is no gravity flow to the South Plant. The plant is served by three pumping stations, the 4th Street Pumping Station, the 28th Street Pumping Station, and the Industrial Park Pumping Station. The three stations deliver wastewater to the plant via independent and separate force mains. The 4th Street Pumping Station force main is a 16-inch DIP. The 28th Street Pumping Station force main is a 14-inch asbestos cement pipe. The Industrial Park Pumping Station utilizes a 10-inch force main. The 14 and 16 force mains combine into a common 18 inch header at the treatment plant property and the flow is monitored with an electromagnetic flow meter as it enters the headworks bar screen structure. The 10 inch force main is also monitored by an electromagnetic flow meter at the same location.

Raw sewage entering the plant is screened with a mechanical bar screen. The screen is an automatic screen and has a bar spacing of ¼ inch. The screen is estimated to produce 2 cubic feet of screenings per million gallons or approximately 500 pounds per day at design flow conditions, 4 MGD. In the case of excessive flow or the need to maintain the mechanical bar screen a by-pass channel is provided having a manually cleaned bar screen having a 2-inch bar spacing. Flow exceeding 10 MGD will hydraulically bypass to the manual screen and the manual screen may be accessed by manual gate settings.

Screenings from the headworks bar screen are compressed and discharged to a dumpster for disposal at a sanitary landfill.

Following screening, the flow is directed to a two cell aerated reaction chamber. The chamber is aerated with diffused aerators designed to deliver compressed air to provide for both aeration and mixing within the reactor. The aeration capacity is designed to maintain a minimum dissolved oxygen concentration within the reaction chamber of 2 mg/l as well as mixing to maintain biomass in suspension. The aerated cell is based on a solids residence time or SRT of 19 days and a hydraulic residence time of 24 hours at design flow. Aeration is based on providing 1.6 pounds of oxygen per pound of BOD5 removed at minimum and 4.6 pounds of oxygen per pound of ammonia nitrogen removed. Aeration for mixing is based on providing 7 scfm per 1000 cubic foot of aeration basin volume.

Flow of mixed liquor (wastewater with active biomass in suspension) leaves the aeration reaction chamber by gravity to a pumping system designated the Flow Control Pump Station.

The purpose of the flow control pump station is to provide an equalized flow to the secondary clarifiers. The rate of the pumps is variable and may be adjusted in accordance with an effluent flow meter to equalize the flow or to maintain a constant level in the aeration chamber. The flow rate for the flow control pump station is 4 MGD to 8 MGD to accommodate the influent raw sewage rate plus the volume of solids being recirculated in the return activated sludge.

The flow control pump station is preceded by a perforated gate designed to prevent turtles or other large solids exiting the aeration basin from entering and damaging the flow control pumps.

The flow from the flow control pump station is split and directed to two 67-foot diameter secondary clarifiers. Secondary clarifiers operate hydraulically in parallel with each clarifier sized to accommodate the average daily flow of 4 MGD. Solids settled in the clarifiers are directed to a sludge pumping station wherein pumps deliver return activated sludge to the aeration basin and deliver waste activated sludge to an aerated sludge holding lagoon. Waste biosolids are disposed at intervals of 2 years or more by dredging and pumping the waste solids to a permitted land application site located approximately 6,500 feet south of the South Plant facility.

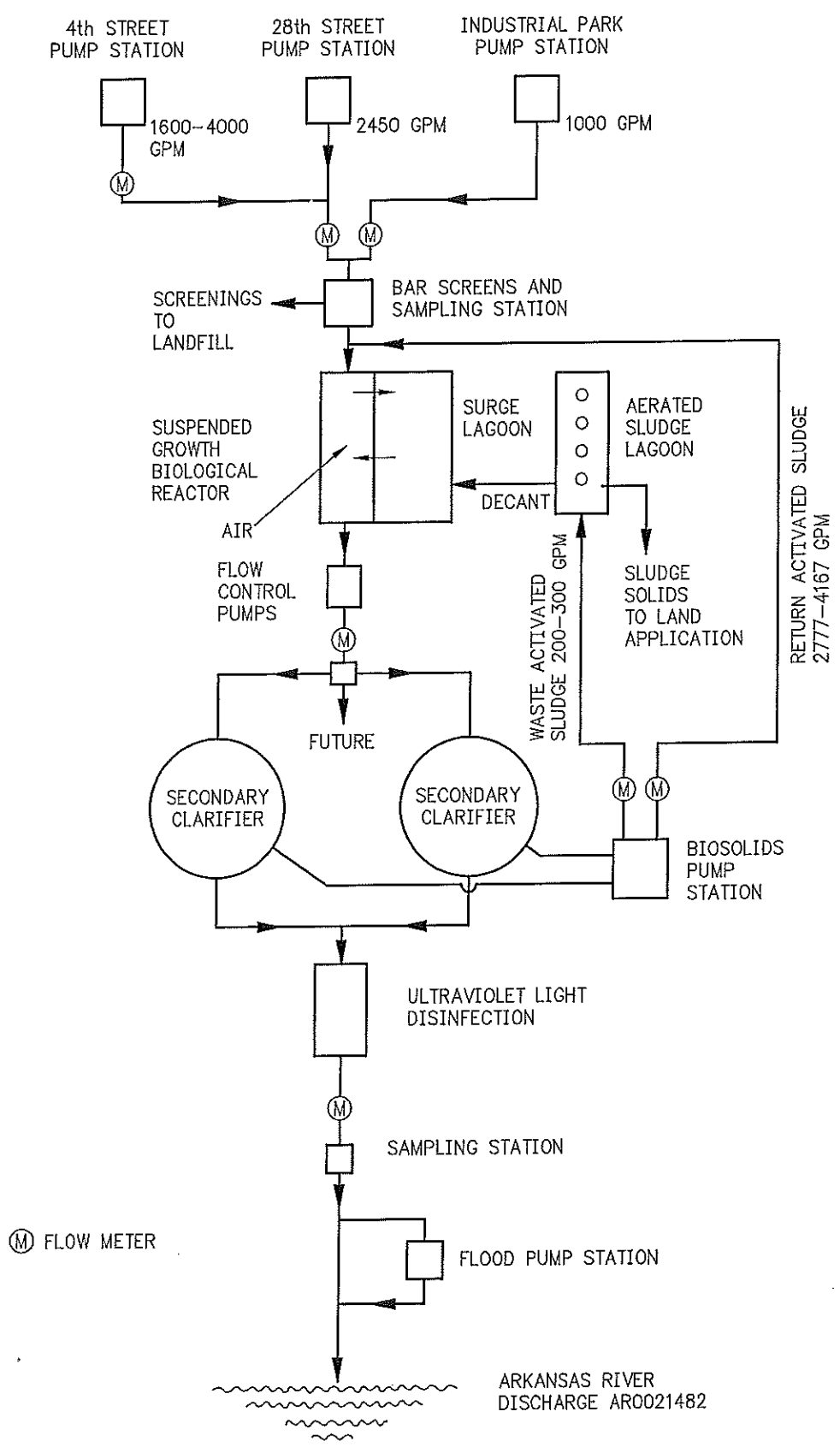
Clarified secondary effluent is disinfected by a dual channel ultraviolet light disinfection chamber. Each channel is sized to accommodate 4 MGD for redundancy and room is allowed for the addition of future expansion of the units.

Clarified and disinfected effluent flow is measured by electromagnetic flow meter as it flows to a sampling chamber. It flows by gravity to discharge in the Arkansas River.

In the event of high water level due to flooding of the Arkansas River, an emergency flood pump is provided to lift the treated effluent and discharge by gravity to the Arkansas River.

The plant is provided with emergency power generation for essential treatment facilities such that the plant remains in operation in the event of power failure.

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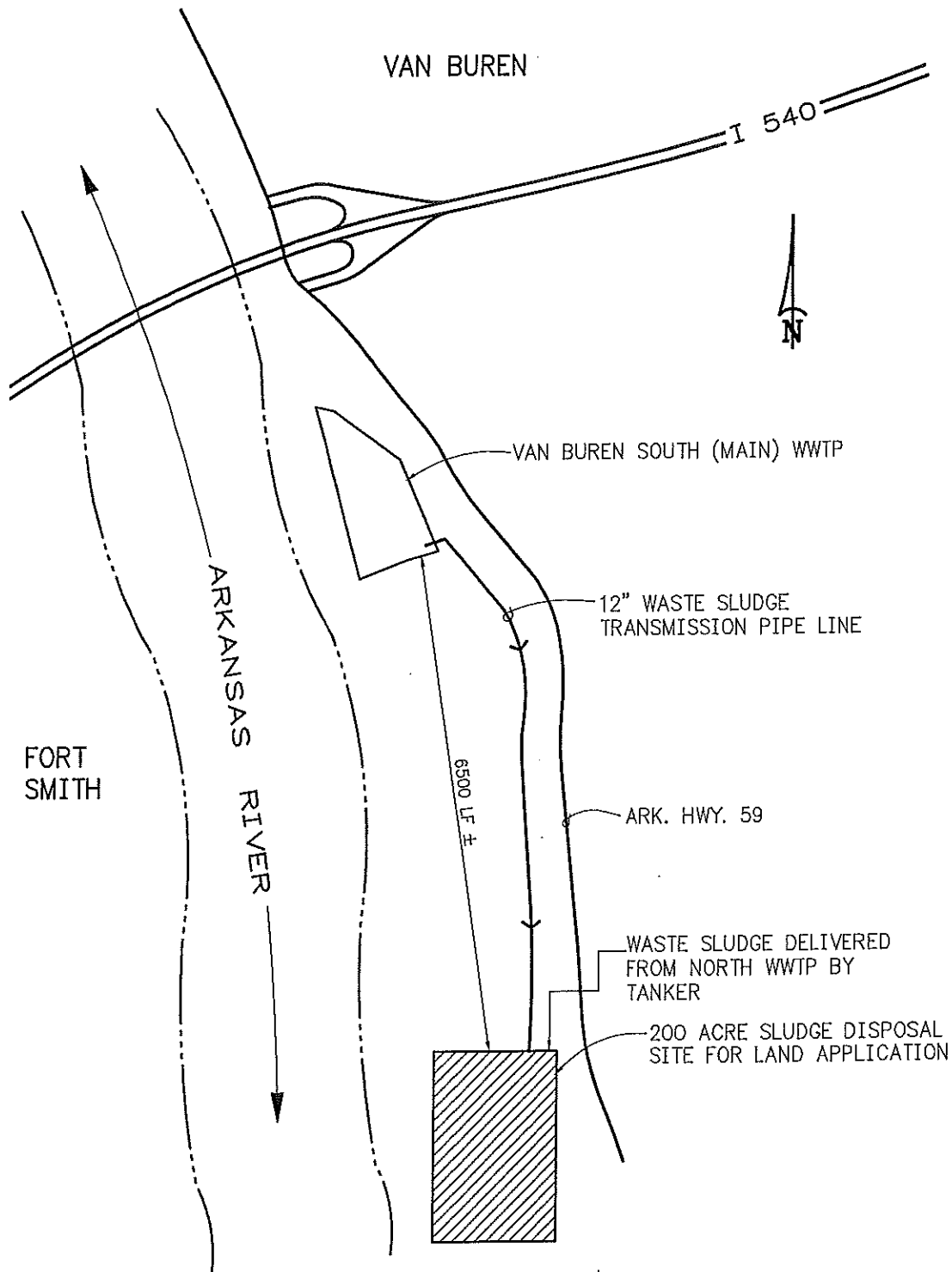


Van Buren Municipal Utilities
Industrial Pretreatment Program

2010

*SOUTH (MAIN) WWTP
FLOW SCHEMATIC
DESIGN FLOW = 0.4 MGD*

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NPDES PERMIT NOS. ARL0021482
ARL0040967

Van Buren Municipal Utilities
Industrial Pretreatment Program

2010

SLUDGE DISPOSAL SITE

HWEI PROJECT #09142A

PAGE 1 of 1

The Van Buren North Treatment Plant is a closed loop biological reactor (CLR), orbal design, oxidation ditch with two stage series final clarification and ultraviolet light disinfection. The plant has been enlarged twice and now accommodates three treatment trains for the biological treatment and the clarification. The three trains have capacities of 0.4 MGD, 0.55 MGD, and 1.1 MGD respectively.

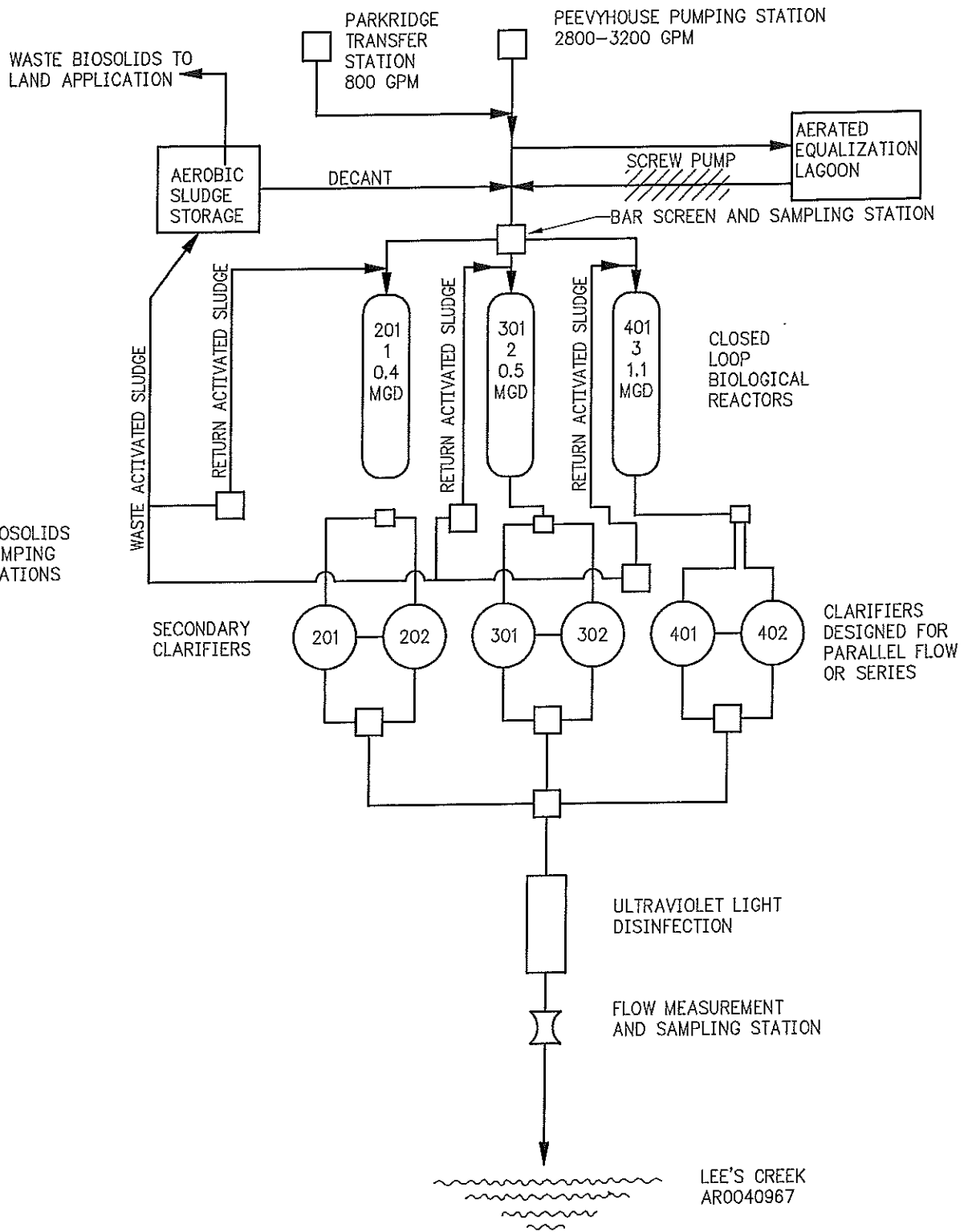
Wastewater is pumped to the Van Buren North Plant by a force main from the Peevyhouse Pumping Station. An additional flow is received from the Park Heights sewage transfer station, a gravity operated inverted siphon system, delivering 800 GPM per cycle.

Flow being delivered from the pumping systems is received and screened through a mechanically cleaned bar screen. The flow is then split proportionately to the three treatment trains. Excess flow may be directed to an equalization pond that is aerated for odor control. Sewage from the equalization pond is returned to the system by a duplex screw pump.

Biosolids from each of the closed loop reactors (oxidation ditches) are recycled to maintain an appropriate activated solids to waste ratio in the closed loop reactors. Excess biosolids are wasted to a 3 MG aerated sludge storage pond for final disposal. Sludge is decanted with the supernatant being returned to the headworks. Sludge solids are removed from the aerated storage ponds at intervals of 2 to 3 years and disposed by land application to permitted properties adjacent to the plant and/or transported by tanker truck to a permitted land application site located south of the South (Main) Plant.

The clarified effluent from the clarifiers is disinfected with ultraviolet light radiation. Disinfection is followed by a sampling chamber and flow measurement with a parshall flume. Final effluent is discharged to Lee's Creek.

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Van Buren Municipal Utilities
Industrial Pretreatment Program

2010

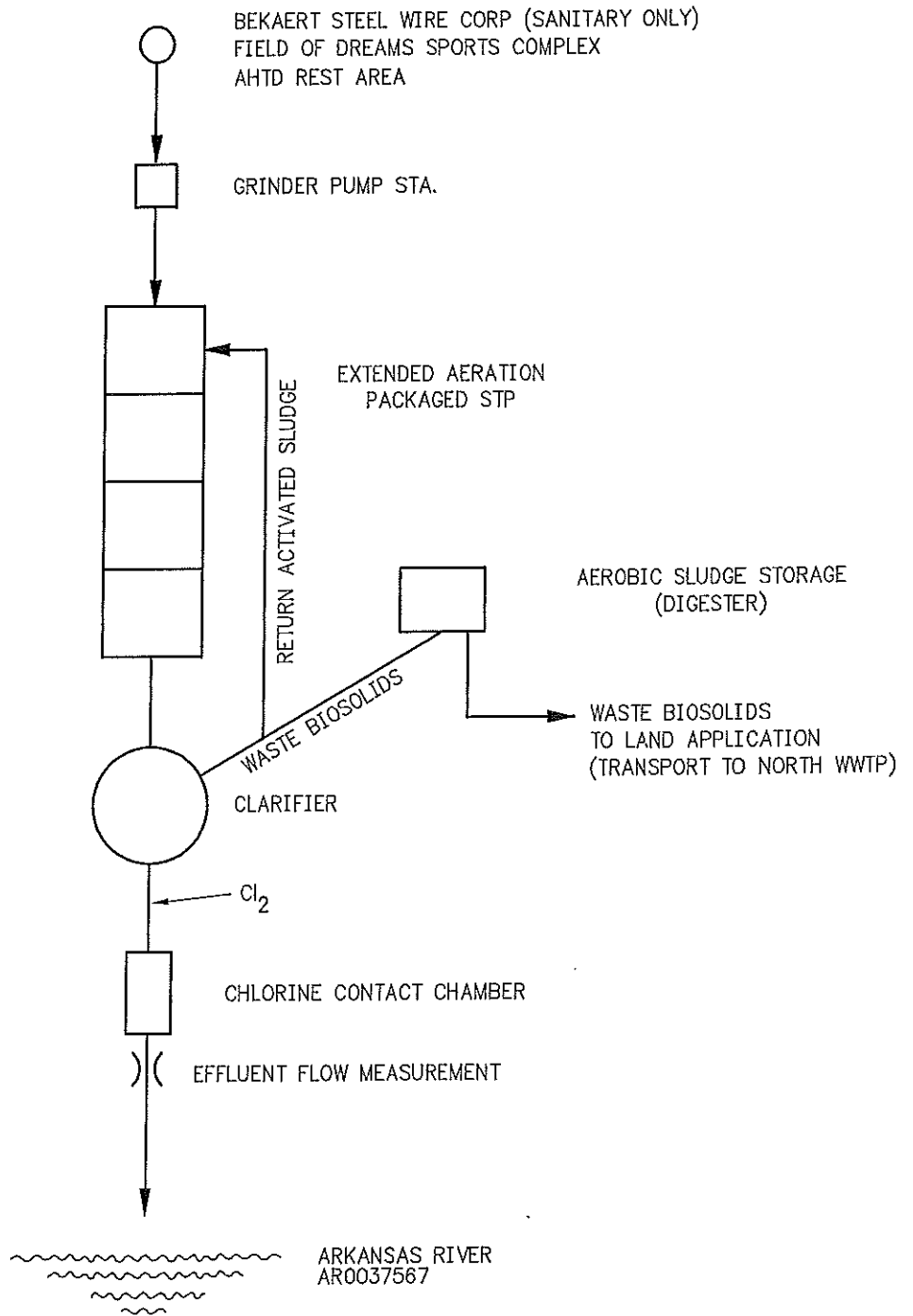
NORTH WWTP
FLOW SCHEMATIC
DESIGN FLOW = 2.0 MGD

The treatment system is a 0.04 MGD activated sludge, packaged treatment plant operating under extended aeration conditions. The plant receives flow by gravity conduit from the Field of Dreams Sports Complex, Bekaert Steel Wire Corporation's sanitary waste water system and from the Arkansas Highway Department's Van Buren I-40 Rest Area. Bekaert Steel Wire Corporation has separate treatment for process waste water and it is not discharged to this system.

Following biological treatment, the treated effluent is disinfected with chlorine prior to an outfall discharge to Arkansas River.

Biosolids from the activated sludge package area are wasted to an aerated holding/digester. Sludge from the digester is transported to the Van Buren North Plant (AR0040967) for final disposal.

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Van Buren Municipal Utilities
Industrial Pretreatment Program

2010

VAN BUREN / LEE'S CREEK
INDUSTRIAL PARK WWTP
FLOW SCHEMATIC
DESIGN FLOW = 0.04 MGD

HWEI PROJECT #09142A

PAGE 1 of 1

ALLOWABLE LOADINGS

Allowable Headworks Loadings:

Technically based local limits (TBLL) for contributors and the Maximum Allowable Headworks Loadings (MAHL) are calculated and checked no less frequently than annually. The loadings are adopted by the Van Buren Municipal Utilities Commission and are published as they are revised as the Maximum Allowable Industrial Loadings (MAIL) and Maximum Allowable Headworks Loadings. This documentation is available upon request of the Van Buren Municipal Utilities Department Office.

APPENDIX A

APPENDIX A

APPLICATION FOR PERMIT/BASELINE MONITORING REPORT
TO DISCHARGE INDUSTRIAL TYPE LIQUID WASTE
TO VAN BUREN MUNICIPAL SEWER SYSTEM

Please complete the attached form and return it by _____
to the following address: Van Buren Municipal Utilities
2806 Bryan Road
Van Buren, Arkansas 72956
Attn: Kim Redo, Environmental Coordinator

If you have any questions please contact Kim Redo at 501-474-0941

SPECIFIC INSTRUCTIONS

Item 1. A.-H. Provide all requested information about the facility producing the discharge of wastewaters.

Item 2. Self-explanatory

Item 3. A.-B. Provide a listing of all primary raw materials and chemicals used in the facility's operations. Avoid use of trade names of chemicals. If trade names are used, provide information regarding the active ingredients. C. Self-explanatory. D. List each regulated process, the production rate (i.e., 10,000 lbs. of (product name)/year), the category and subpart of the applicable Categorical Pretreatment Standard as well as the SIC code for each process. E. In order to provide the reviewing agency a complete understanding of the facility's processes, location the pretreatment facilities and sampling points, the discharger is required to submit a schematic of each process and a schematic of wastewater flows. Flow rates may be estimated. Refer to Figures 1 and 2 for example schematics. Be sure to indicate on the flow or process schematic where samples are taken.

Item 4. A. Provide the total plant flow rate (average and maximum) to the sanitary sewer in gallons per day (gpd). If accurate flow measurements are unavailable, provide the best estimate. B. Provide a breakdown of the sources of the total plant flow to the sanitary sewer including regulated and unregulated flows, sanitary wastewater, cooling water, etc. Also indicate the flow rate (gpd) and the type of discharge (batch, continuous, or none).

Item 5. A. Self-explanatory. B. The facility must sample, analyze and report the concentration of all regulated pollutants for the regulated processes. The User shall take a minimum of one representative sample to compile those data necessary to comply with the requirements of this paragraph. All samples must be representative of normal operations and be of sufficient number to allow comparison with the applicable Categorical Pretreatment Standard. Samples should be collected immediately after the

regulated process (after treatment, if applicable) before being combined with other wastestreams. Type of sample (i.e., grab, composite) sample location, number of samples and methods of analysis should be adequately described. The report should indicate the time, date and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW. All sampling and analyses should conform with 40 CFR Part 136, as well as, the requirements of 40 CFR 403.12(b)(5)(iii-vi). If analytical data are provided for more than one sampling point, identify the location of all sampling points in the schematic diagram required in question 3.E. above. C. If the facility is unable to sample the wastewater from the regulated processes before mixing with other wastewater flows, the facility may sample the total plant flow and calculate an equivalent concentration limit using the combined wastestream formula. These results may be shown in Part 5C. Figure 3 provides information on the use of the combined wastestream formula.

Item 6. Self-explanatory.

Item 7. Self-explanatory.

Item 8. A. Self-explanatory. B. This report must be signed by an authorized representative as defined by 40 CFR 403.12(1).

INDUSTRIAL DISCHARGE PERMIT APPLICATION/ INDUSTRIAL BASELINE MONITORING REPORT

Instructions: Please complete this form in as much detail as possible. Include additional information on attached sheets as necessary. Refer to the supplemental instruction and return this report to the address shown in the instructions.

(1) Identifying information:

A. Legal name of
Industry: _____
Mailing Address: _____

_____ Zip: _____
Corporate Address: _____

B. Facility Name: _____
Location: _____

_____ Zip: _____

C. Name of Owner(s): _____

D. Facility Contact (provide the name, title & phone number of a designated person to contact if additional information is necessary.) _____

E. Number of Full-Time Employees: _____ Number of Part-Time Employees _____
Number of Shifts _____

F. Number of Months/Year in Operation _____
Number of days/week in operation _____

G. Provide the name of the publicly owned treatment works that receives the wastewater discharges from this facility (if this facility is not connected to a sewerage system describe where the wastewater is discharged.) _____

H. Provide the date the facility began/will begin discharging to the publicly owned treatment works (sewage authority, municipality, etc.)

Date facility began
operation _____

(2) Permits:

Describe all environmental control permits held by or for the facility:

<u>Title of the Permit</u>	<u>Permit No.</u>	<u>Issuing Office</u>	<u>Expiration Date</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(3) Description of Operations:

A. List raw Materials Used: _____

B. List Chemicals Used: _____

C. Describe Manufacturing of Service Activities Conducted and the Final Products: _____

D. Summarize each Regulated Process: _____

<u>Process Description</u>	<u>Production Rate</u>	<u>Pretreatment Standard Category</u>	<u>Subpart</u>	<u>SIC Code</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

E. Provide on a separate sheet:

- 1) a schematic drawing of flow chart of each regulated process that generates wastewater.
- 2) a schematic drawing showing all wastewater flows (regulated and unregulated), location of any treatment system, and sampling locations and estimated flows for each individual wastestream.
- 3) a schematic process diagram which indicates points of discharge to the POTW from regulated processes.

(4) Flow Measurement:

A. Total Plant Flow in Gallons Per Day (gpd):

Average _____ Maximum _____

Disclosure of time and duration of discharges: _____

B. Individual Process Flows in Gallons Per Day (gpd)

Regulated Process	Average Flow	Maximum Flow	Type of Discharge
	Rate (gpd)	Rate (gpd)	(Batch, etc.)

Unregulated Process	Average Flow	Maximum Flow	Type of Discharge
	Rate (gpd)	Rate (gpd)	(Batch, etc.)

MEC*									
AEC*									
AMMC*									
AAAC*									

Sample Location: _____
 Sample Type (composite samples are required except where not feasible or where grab samples are specifically required (see 40 CFR 403.12(b)(5)(iii)): _____
 Number of Samples and Frequency Collected: _____
 Analytical Methods Used: _____

*MEC - Maximum Equivalent Concentration (derived through the combined wastestream formula)

*AEC - Average Equivalent Concentration (derived through the combined wastestream formula)

*AMMC - Actual Measured Maximum Concentration

*AAAC - Actual Measured Average Concentration

(6) Certification:

A. Is the facility meeting applicable categorical pretreatment standards on a consistent basis? YES _____ NO _____

B. If no, do you require:

1) additional operation and maintenance (O & M) to achieve compliance?
 YES _____ NO _____

2) new or additional pretreatment facilities to achieve compliance?
 YES _____ NO _____

3) Name of Qualified Professional that reviewed this certification:

Name & Title _____

Signature _____ Date _____

(7) Pollution Prevention: List any pollution prevention measures taken to reduce pollutant discharge(s) into the environment (add additional pages if needed):

(a) What steps or programs have you incorporated for pollution prevention?:

(b) Do you offer employee training about pollution prevention? If so, what kinds of opportunities do you offer?

(c) What type of Environmental Management do you practice?

(d) List your Best Management Practices (BMPs):

(8) Compliance Schedule:

A. If additional O & M or additional pretreatment will be required to meet categorical pretreatment standards or local ordinances (#6-1990, 3-1991, or 3-1997) on a consistent basis, attach a schedule on a separate sheet projecting increments of progress indicating dates for the commencement and completion of major events leading to compliance with the standard/ordinances. Note: the final compliance date in this schedule shall not be later than the compliance date for the applicable pretreatment standard. Written progress reports are required within 14 days of each of the compliance dates specified in the compliance schedule.

B. Signatory Requirement:

I certify under penalty of law that I have personally examined and am familiar with the information in this Baseline Monitoring Report and all attachments, and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the report, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Name - Authorized Representative

Signature

Official Title

Date

_____ COMMERCIAL/INDUSTRIAL SURVEY
(date) CITY OF VAN BUREN

Company Name _____

Address _____

Representative _____ Title _____ Phone _____

Days of Operation _____ Hours of operation/day _____

Number of Employees/shift: _____ ; _____ ; _____

Type of Business: _____

S.I.C. code(if applicable): _____

Water Account Numbers: _____

Number of connections to the Sanitary Sewer: _____

If manufacturer, type and amounts of product manufactured: _____

Raw materials used in production(list types and amounts): _____

For non-manufacturers, List services offered: _____

WATER USAGE

Source of water: City water _____ Well water _____ Other _____

Type of Waste Water Produced		
Bathrooms	Laundry	
Kitchen/Restaurant	Metal Working	
Floor Cleanup	Plating Baths	
Tank Wastes	Equipment Cleanup	
Boiler Blowdown	Pretreatment System	
Vehicle Maintenance Wash	Machine Coolants	
Waste Product Disposal	Other Non-domestic Sources	

Is any of this water recirculated? _____

During what part of the day do you estimate your highest water usage to be? ____

Other than to sewer where are used water(s) disposed? _____

Have you ever had your waste water analyzed? _____
(If any wastewater analyses have been performed on the wastewater discharges from your facilities, attach a copy of the most recent data to this questionnaire, Be sure to include the date of the analysis, name of laboratory performing the analysis, and location(s) from which the sample(s) were taken -- attach sketches, plans, etc. as necessary)

WASTE WATER(S):

What waste products are disposed to:

sewer _____

other _____

Is discharge to sewer: Intermittent _____ Steady flow _____

Quantity discharged per day: _____ gallons (Measured ___ Estimated ___)

Are Wastes pretreated? _____ If so, how? (e.g. air flotation, chlorination, grease or oil separation, etc.) _____

I _____ (print name) certify that I have personally examined and am familiar with the information submitted herein. I believe the information is accurate and true.

Signed _____ Received _____

Date _____

Environmental Coordinator

Comments: _____

Certification Statement

Based on my inquiry of the person or persons directly responsible for managing compliance with the Total Toxic Organic (TTO) limitations, I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since the filing of the last report. I further certify that this facility is implementing the toxic organic pollutant management plan submitted to the Van Buren Municipal Utilities department.

(Date)

(Officer)

If the user is unable to make the above certification statement the user should notify the Department sixty (60) days prior to the due date for filing the compliance reports. At that time, the Department should determine the appropriateness of requiring sampling and analysis for specific toxicant(s) and notify the user accordingly.

INSPECTION REPORT

INSPECTION OF LABORATORY/RECORDS

1. Records & reports for analysis and monitoring maintained for three (3) years? _____
2. Records of lab equipment calibration and maintenance? _____
3. Pass on-site visual inspection of lab equipment calibration? _____
4. Records of Analytical Methods & Techniques used? _____
5. Approved Analytical Testing procedures used? _____
6. Records of analysis date & time performed? _____
7. Records of individual performing analysis? _____
8. Record of sampling date, time, & location? _____
9. Parameters and sampling frequency agree with permit? _____

10. Parameters other than those required by permit analyzed? _____
11. Monitoring and analysis being performed more frequently than required by permit?
12. Calculation of analysis satisfactory? _____
13. Are duplicate samples analyzed? _____
14. Is a private laboratory used? _____
15. Are analytical results consistent with self-monitoring reports? _____
16. If a private lab is used, do the monthly reports agree with the laboratory reports?
If no, list details: _____

INSPECTION REPORT

INSPECTION OF LABORATORY/RECORDS (continued)

17. Has permittee submitted progress reports, self-monitoring reports, and other reporting on time pursuant to Administrative Order and/or permit issued? _____

18. Records of Notification for slugload, accidental or operation discharge upset? _____

19. Description of above non-customary discharge _____

20. Has discharge loading (organic, hydraulic) changed since last inspection? _____

21. If discharge loading has changed list causative factor: _____

22. Has discharge loading impacted P.O.T.W.? (Interference, Pass-Through, Collection system blockage, Safety, etc.) _____

23. Has permittee exceeded effluent limits (BOD, TSS, pH, Oil & Grease, metals, etc.) since last inspection? List cause(s) _____

24. Has permittee followed due procedure in responding to exceeding permit limits? (i.e. notification by phone, letter detailing excursion & follow-up plan, etc.) _____

INSPECTION REPORT

INSPECTION OF PRETREATMENT or SAMPLING FACILITY (continued)

25. Has permittee complied with sampling procedures and techniques as defined in 40 Code of Federal Regulations, Part 136? _____
 Chain of Custody in effect? _____
 Type(s) of sample(s) _____
 Samples refrigerated during compositing? _____
 Sample preservation & time held prior to shipping/analysis _____

26. Is Permittee operating under a compliance schedule and/or Administrative Order? no

27. Has permittee complied with all aspects of the Industrial Discharge Permit under which it operates? _____

INSPECTION OF PRETREATMENT or SAMPLING FACILITY

1. Are all treatment units in service? _____

2. Qualified operating staff provided? _____

3. Treatment/Sampling facility properly operated and maintained? _____

4. Is monitoring equipment operated & maintained in good working order? _____

5. Is there a consulting engineer available for operational and maintenance problems? _____

6. Describe procedural plan to prevent accidental discharges from entering municipal sewer system:

7. Does the sampling structure meet the specifications required as set forth in the discharge permit? (Sampling structure may be functionally adaptive, but sampling protocol must be adhered to as per 40 CFR 136.) _____

INSPECTION REPORT

INSPECTION OF PRETREATMENT or SAMPLING FACILITY (continued)

8. Any bypasses occurring since last inspection? Please list: _____

9. How are sludge and solids disposed of? Who hauls this waste and where does it go?

10. Sludge hauling documented by manifest? _____

11. Type of flow measuring device? _____

12. Flow measuring device properly installed? _____

13. Flow measuring device adequate to handle flow rates? _____

14. Has permittee maintained adequate spare parts inventory for PT operations and/or sampling equipment? _____

15. Does permittee have an Operations & Maintenance Manual on site? _____

INSPECTION OF "CHEMICAL STORAGE & PRODUCTION AREA"

1. Are there any chemicals stored near floor drains? If yes, list details below: _____

INSPECTION REPORT

INSPECTION OF "CHEMICAL STORAGE & PRODUCTION AREA"(continued)

2. Are signs posted in designated areas giving information on who to contact and the phone number in case of an emergency such as a spill, accidental discharge, etc.?

Where? _____

3. Does the production area and plumbing agree with the Baseline Monitoring Report or Permit Application (type of process, kinds of chemicals, effluent discharge points, etc.?)

POLLUTION PREVENTION

1. Is the discharger aware of Pollution Prevention? _____

2. What measures, if any, have been taken to reduce the pollutants discharged into the municipal sewer?

MISCELLANEOUS

1. Does the permittee have any questions regarding current or past actions of the VBMU in the pretreatment program? _____

2. Does the permittee have any questions regarding the local pretreatment program, rules, regulations, etc.? _____

Inspector _____ Date & Time _____

Industry Representative _____ Date/Time _____

Comment Area:

PRETREATMENT COMPLIANCE INSPECTION IU SITE VISIT FORM

Name of Industry: _____ Permit Number: _____

Address: _____

POTW Name: _____ Date of last inspection: _____

Industry Contact(s), Position: _____

Date & Time of Visit: _____

Description of Manufacturing Process: _____

Sources of Process Wastewater: _____

Categorical Industry? _____

Basis for Permit Discharge Limits: _____

Description of pretreatment equipment and procedures: _____

Spill prevention & Solvent Management Procedures: _____

Sampling location & equipment: _____

Industry
physical address
Van Buren, Arkansas 72956

EFFLUENT DISCHARGE MONITORING REPORT

Date and Time of sample collection: *date* from - hrs.

Location Sample Collected:

Type of Sample: Composite (BOD₅, TSS, metals); Grab (O & G, pH, Temp.)

Composite Frequency:

Sample Refrigerated During Composite: yes

Sample Split with Permittee: Yes No N/A

Type of Visit: Scheduled Non-Scheduled Demand

Flow = gallons/day

BOD₅ = mg/L

TSS = mg/L

<u>Grab #</u>	<u>Time(hour)</u>	<u>pH(s.u.)</u>	<u>Temperature(°C)</u>	<u>parameter (mg/L)</u>
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Analytical Techniques (Methods): Standard Methods, 20th Ed.
Examination of Water and Wastewater
(in accordance with 40 CFR Part 136)

EPA – 430/1-74-015 Self-monitoring Procedures

Analysis Performed by: Van Buren Municipal Utilities
(*contract laboratory*)

FLOW CALCULATION SHEET

Date _____ Time _____

Head _____ Inches _____

Type and size of Flow Monitoring Device _____

Name & Model of Flow Monitoring Device _____

Recorded Flow at Date, Time listed above (RC) _____

Reference for Flow Calculations (C) Isco Open Channel Flow Measurement Handbook

Calculation:

RC = Recorded Calculation Value

C = Correct Calculation Value

$$\frac{RC - C}{C} \times 100 = \% \text{ error}$$

Summary of Findings/Comments (Attach additional sheet if necessary)

Signature: _____

Title: _____

VAN BUREN WATER & SEWER CHAIN OF-CUSTODY RECORD

Industry Identification: _____
 Sample Number: _____
 Sample(s) Signature: _____ / _____
 Set-Up Collection Date and Time: _____ @ _____
 Take-Off Collection Date and Time: _____ @ _____ a.m./p.m.
 Grab Sample Collection Date and Time: _____ @ _____ a.m./p.m.
 Location Sample Collected: _____

Type of Sample: Grab Time Composite Flow Proportional Composite
 Composite Frequency: _____
 Sample Iced During Composite: Yes No N/A
 Type of Event: Scheduled Non-Scheduled Demand
 Set-Up Flow Reading: _____
 Take-Off Flow Reading: _____

Sample Type	Preservative	Bottle Type	Parameters	Receiver	Relinquished By Signature Date-Time	Received By Signature	Destroyed Date-Time

Comments: _____

IU SLUG CONTROL PLAN REVIEW CHECKLIST FOR POTWs

The IU Slug Control Plan should be evaluated using the following requirements criteria and checking the appropriate column. A check in the "S" Column means the Plan satisfactorily meets the requirements; "U" means the Plan unsatisfactorily meets the requirements; "A" means that additional information is needed to determine if the requirement is being met; and "N/A" means the requirement is not applicable to the facility. The reviewer should use best engineering judgment in determining the adequateness of the Plan in meeting each requirement. Comments should be provided as appropriate.

	S	U	A	N/A
I. General Information				
Facility Name, Address, Contacts and Phone Numbers				
Type of Business, Operating Schedule, Number of Employees				
Daily Wastewater Discharge Flow Rates(s)				
Applicable Categorical Standards				
Previous Slugs				
Security and Warning Signs				
Comments:				

II. Facility Layout and Flow Diagrams

General Layout of Facility Showing:

	S	U	A	N/A
Property Boundaries				
Entrance and Exit Routes				
Manufacturing Areas				
Hazardous Materials Process & Storage Areas				
Waste Handling, Storage and Treatment Facilities				
Loading and Unloading Areas				
Drainage Direction				
Floor Drains, Pipes, and Channels and Drainage Destinations				
Flow Diagram(s) Showing:				
Piping and Instrumentation				
Flow Rates				
Tanks and Capacities				
Treatment Systems				
Final Destinations of Flows				
Comments:				

III. Hazardous Materials Data

Hazardous Materials

Location

Maximum Volume

Container Volume

Type of Container

Comments:

S	U	A	N/A

IV. Slug Prevention Equipment and Procedures

Adequate Equipment in the Following Areas:

Storage

Loading/Unloading

Process

Treatment

Other Areas:

Comments:

S	U	A	N/A

	S	U	A	N/A
Adequate Procedures Including the Following:				
Inspections and Maintenance of Containers and Tanks				
Inspections and Maintenance of Slug Prevention and Response Equipment				
Inspections of Storage, Process, Loading and Unloading Areas				
Proper Labeling				
Other Procedures Needed:				
Comments:				

	S	U	A	N/A
V. Emergency Response Equipment and Procedures				
Availability of the Following Equipment:				
Communication Equipment and Alarms				
Spill Containment and Control Equipment and Tools				
Spilled Material Storage Containers				
Protective Clothing				
Respirators				
First Aid Kits				
Decontamination Equipment				
Ventilation Equipment				

	S	U	A	N/A
Other Equipment Needed:				
Comments:				
Adequate Response Procedures Including the Following:				
Notification of Responsible Facility Personnel				
Chain of Command				
Safety and First Aid Procedures				
Evacuation Procedures				
Notification of Outside Assistance				
Spill and Slug Assessment Procedures				
Spill and Slug Cleanup Procedures				
Decontamination Procedures				
Procedures for Preventing Contact Between Incompatible Materials				
Procedures for Disposing or Treating Spilled Materials				
Other Procedures Needed:				
Comments:				

	S	U	A	N/A
VI. Slug Reporting and Control Plan Modification Procedures				
Slug Reporting Procedures				
Slug Plan Modification Procedures				
Comments:				

	S	U	A	N/A
VII. Training Program				
Detailed Outline of Training Program				
Training Appropriate to Job Description				
Hazards of Chemicals Used at the Facility				
Emergency Response Training				
Comments:				

	S	U	A	N/A
VIII. Certifications				
Facility Representative Certification				
Professional Engineer Certification				
Comments:				

General Comments and Follow-up Actions Needed:

IX. Approval Status

Approved _____
Not Approved _____

Reviewed by: _____ Date: _____
(POTW Reviewer)