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ORDINANCE NO. 83-36

AN ORDINANCE SETTING FORTH UNIFORM REQUIREMENTS FOR DIRECT AND INDIRECT CONTRIBUTORS INTO THE WASTEWATER COLLECTION SYSTEM AND THE WASTEWATER TREATMENT SYSTEM FOR THE CITY OF CONWAY, ARKANSAS AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY OF CONWAY, ARKANSAS THAT:

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment systems of the City of Conway, Arkansas and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 (Public Law 95-217) and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the City's wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the City's wastewater system which will pass through the system, inadequately treated, into the receiving waters, the atmosphere or otherwise be incompatible with the system;
- (c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (d) To provide for the equitable distribution of the cost of the city wastewater system.

This ordinance provides for the regulation of direct and indirect contributors to the city wastewater system through the issuance of permits to non-domestic users and through the enforcement of general requirements for the other users; authorizes monitoring and enforcement activities; requires user reporting; assumes that existing customers capacity will not be preempted; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This ordinance shall apply to all contributors to the wastewater system of the City of Conway, Arkansas.

This ordinance is a supplement to City Ordinance No. A-566, as amended.

Except as otherwise provided herein, the Manager of the Conway Corporation, the operator of the City's wastewater systems, shall administer, implement, and enforce the provisions of this ordinance.

1.2 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

- (1) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- (2) Approval Authority. The Director of the Arkansas Department of Pollution Control & Ecology when the State is granted primacy in the administration of the NPDES Permits System and the Administrator of the EPA if the State of Arkansas is a non NPDES State, or an NPDES State without an approved state pretreatment program.
- (3) Authorized Representative of Industrial User. An authorized representative of an Industrial User may be: (1) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (2) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- (4) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- (5) Building Sewer. A sewer service line conveying wastewater from the customer's building or buildings to the City's sewer collection system.
- (6) Categorical Standards. National Categorical Pretreatment Standards promulgated by the U. S. EPA.
- (7) City. The City of Conway, Arkansas, or the City Council of Conway, Arkansas, or its designated agents.
- (8) Cooling Water. The water discharged from any air conditioning equipment, water cooled equipment, or refrigeration, or to which the only pollutant added is heat.
- (9) Control Authority. The Manager of the Conway Corporation if the City has an approved pretreatment program under the provisions of 40 CFR, 403.11. If the City does not have an approved pretreatment program, then the Control Authority shall refer to the Approval Authority as defined hereinabove.
- (10) Corporation. The Conway Corporation, operators of the City's wastewater systems.
- (11) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Arkansas.
- (12) Environmental Protection Agency, (EPA). The U. S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

- (13) Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (14) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (15) Indirect Discharge. The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307 (b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
- (16) Industrial User. A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act. (33 U.S.C. 1342).
- (17) Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the City's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
- (18) Manager. The Manager of the Conway Corporation.
- (19) National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.
- (20) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307 (b) of the Act and 40 CFR, Section 403.5.
- (21) New Source. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307 (c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.
- (22) National Pollution Discharge Elimination System or NPDES Permit. A permit to discharge effluent from public or private wastewater treatment plants, issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (23) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or the legal representative, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- (24) PH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

- (25) Pollution. The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.
- (26) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellular dirt and industrial, municipal, and agricultural waste discharged into water.
- (27) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).
- (28) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
- (29) Publicly Owned Treatment Works (POTW). A Treatment Works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW Treatment Plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City of Conway who are, by contract or agreement with the City of Conway, users of the City's POTW.
- (30) POTW Treatment Plant. That portion of the POTW designed to provide treatment to the wastewater.
- (31) Shall is mandatory; May is permissive.
- (32) Significant Industrial User. Any Industrial User of the City's wastewater disposal system who (i) has a discharge flow of 25,000 gallons or more per average work day, or (ii) has a flow greater than 5% of the flow in the City's wastewater treatment system, or (iii) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act, of Arkansas Statutes and rules, or (iv) is found by the Conway Corporation, the Arkansas Department of Pollution Control & Ecology, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
- (33) State. The State of Arkansas.
- (34) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (35) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (36) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

- (37) Superintendent. An employee of the Conway Corporation that supervises the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.
- (38) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307 (a) or other Acts.
- (39) User. Any person who contributes, causes or permits a contribution of wastewater into the City's POTW.
- (40) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with such ground, surface, and storm waters which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- (41) Waters of the State. All streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
- (42) Wastewater Contribution Permit. As set forth in Section 4.2 of this ordinance.

SECTION 2 - REGULATIONS

2.1 General Discharge Prohibitions

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These General Prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

(a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Prohibited materials include but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the City, the State or EPA has notified the User is a fire hazard or a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a PH less than 6.0, or greater than 9.0, or wastewater having any other corrosive or acidic property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW's effluent or any other product of the POTW such as 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 non-compliance 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 Wastes Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

(g) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.

(h) Any wastewater 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 pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate or pollutant concentration which a user knows or has reason to know will cause Interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(k) Any wastewater containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the Manager in compliance with applicable State or Federal regulations.

(l) Any wastewater which causes a hazard to human life or creates a public nuisance.

(m) Any wastewater which is prohibited by Article 6 of City Ordinance No. A-566 (City Sewer Use Ordinance) as amended.

When the Manager determines that a User is contributing to the POTW

any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Manager shall: (1) Advise the User of the impact of the contribution on the POTW; and (2) Develop effluent limitations for such User to correct the interference with the POTW.

2.2 Federal Categorical Pretreatment Standards

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. The Manager shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

2.3 State Requirements

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this ordinance.

2.4 City's Right of Revision

The City reserves the right to establish by ordinance more stringent limitations and/or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 1.1 of this ordinance.

2.5 Specific Pollutant Limitations

No person or firm shall discharge wastewater containing in excess of the following:

Arsenic	0.50 mg/l	Manganese	5.00 mg/l
Barium	5.00 mg/l	Mercury	0.50 mg/l
Benzene	5.00 mg/l	Methylene Chloride	10.00 mg/l
Boron	1.00 mg/l	Nickel	1.50 mg/l
Cadmium	0.015 mg/l	1,2-Dichlorobenzene	2.50 mg/l
Chloroform	10.00 mg/l	1,4-Dichlorobenzene	2.50 mg/l
Chromium (Total)	1.00 mg/l	1,1,2,2,-Tetrachlorethane	0.35 mg/l
Chromium (Hex)	0.50 mg/l	1,1,1-Trichlorethane	0.35 mg/l
Copper	2.50 mg/l	Selenium	0.40 mg/l
Cyanide	1.00 mg/l	Silver	0.50 mg/l
Lead	1.00 mg/l	Toluene	5.00 mg/l
		Zinc	5.00 mg/l

2.6 Excessive Discharge

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the City or State.

2.7 Accidental Discharges

Each user shall provide protection from accidental discharge of prohibitive materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibitive materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the

Conway Corporation for review, and shall be approved by the Conway Corporation before construction of the facility. All existing users shall complete such a plan by January 1, 1983. No user who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Conway Corporation. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facilities as necessary to meet the requirements of this ordinance. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. Notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

2.8 Written Notice

Within five days following an accidental discharge, the user shall submit to the Manager a detailed written report describing the cause of the discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

2.9 Notice to Employees

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

SECTION 3 - FEES

3.1 Purpose

It is the purpose of this chapter to provide for the recovery of costs from users of the City's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Conway Corporation's schedule of charges and fees.

3.2 Charges and Fees

The Conway Corporation may adopt charges and fees which may include:

- (a) fees for reimbursement of costs of setting up and operating the City's Pretreatment Program;
- (b) fees for monitoring, inspections and surveillance procedures;
- (c) fees for reviewing accidental discharge procedures and construction;
- (d) fees for Permit Application;
- (e) fees for filing appeals;
- (f) fees for consistent removal (by the POTW) of pollutants otherwise subject to Federal pretreatment standards;
- (g) other fees as the Conway Corporation may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the City and the Conway Corporation.

SECTION 4 - ADMINISTRATION

4.1 Wastewater Dischargers

It shall be unlawful to discharge without a city permit to any natural outlet within the City of Conway, or in any area under the jurisdiction of said City of Conway, and/or to the POTW any wastewater except as authorized by the Manager in accordance with the provisions of this ordinance.

4.2 Wastewater Contribution Permits

4.2.1 General Permits

All significant industrial users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within 180 days after the effective date of this ordinance.

4.2.2 Permit Application

Users required to obtain a Wastewater Contribution Permit shall complete and file with the Conway Corporation, an application in the form prescribed by the Conway Corporation and accompanied by a fee as determined by the Conway Corporation. Existing users shall apply for a Wastewater Contribution Permit within 60 days after the effective

date of this ordinance, and proposed new users shall apply at least 30 days prior to being connected to or contributing to the POTW. In support of the application, the user shall submit completed industrial wastewater questionnaire and any other information as required by the Manager. The Manager will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Manager may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

4.2.3 Permit Modifications

Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by 4.2.2, the User shall apply for a Wastewater Contribution Permit within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Contribution Permit shall submit to the Manager within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by the Conway Corporation.

4.2.4 Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, User charges and fees established by the City and the Conway Corporation. Permits may contain the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (b) Limits on the average and maximum wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports;
- (h) Requirements for maintaining and retaining plant records

relating to wastewater discharge as specified by the Conway Corporation, and affording the Conway Corporation access thereto;

(i) Requirements for notification of the Conway Corporation of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(j) Requirements for notification of slug discharges;

(k) Other conditions as deemed appropriate by the Conway Corporation to insure compliance with this Ordinance.

4.2.5 Permits Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Conway Corporation during the term of the permit as limitations or requirements as identified in Section 2 are modified or other just cause exists. 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.

4.2.6 Permit Transfer

Wastewater Discharge Permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the Manager. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

4.3 Reporting Requirements for Permittee

4.3.1 Compliance Date Report

Within 90 days following the date for final compliance with applicable Pretreatment Standards, or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User Facility which are limited by such Pretreatment Standards or

Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional treatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

4.3.2 Periodic Compliance Reports

(1) Any user subject to a Pretreatment Standard, after the Compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Manager during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Manager, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the Manager, and in consideration of such factors as high or low flow rates, holidays, budget cycles, etc., the Manager may agree to alter the months during which the above reports are to be submitted.

(2) The Manager may impose mass limitations on users which are using dilution to meet applicable Pretreatment Standard or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Paragraph (1) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Manager, of pollutants contained therein which are limited by the applicable pretreatment standards.

Frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the approval authority, pursuant to Sec. 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto, or with any other test procedures approved by the Manager. Sampling shall be performed in accordance with the techniques approved by the Manager.

Industrial Users shall be required to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the Conway Corporation may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it would not be obstructed.

When constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Conway Corporation's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Conway Corporation.

4.5 Inspection and Sampling

The Conway Corporation shall inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Corporation or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. When directed to do so by the Manager, the owner and/or occupant of any property discharging industrial waste into the POTW shall at his expense, obtain a representative sample of his wastewater and have the appropriate physical, chemical and biological tests performed on the sample by a qualified testing laboratory acceptable to the Manager. The purpose of such test shall be to determine the conformance of the wastewater characteristics to this ordinance and a report shall be made in writing to the Manager by the laboratory stating the test results.

4.6 Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limits as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the Manager shall be provided, operated and maintained at the User's expense. Detailed plans showing the pretreatment facilities and

operating procedures shall be submitted to the Manager for review, and shall be acceptable to the Manager before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Manager under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Manager prior to the user's initiation of the changes. The Corporation shall annually publish in the Log Cabin Democrat a list of the users which were significantly not in compliance with any pretreatment requirements or standards at least once during the twelve previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request.

4.7 Confidential Information

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Manager that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available 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 person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Manager as confidential, shall not

be transmitted to any governmental agency or to the general public by Manager until and unless a ten day notification is given to User.

The Manager or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point of having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

SECTION 5 - INDUSTRIAL SURCHARGE

5.1 Costs

A user discharging industrial waste into the sanitary sewer which exhibits none of the characteristics of waste prohibited in Section 2.1, other than excessive BOD or suspended solids shall pretreat the industrial waste so that BOD or suspended solids concentrations do not exceed 250/mgL. (PPM). However, the waste may be accepted by the POTW for treatment by the Manager if all the following requirements are met:

- (1) The waste will not cause damage to the collection system.
- (2) The waste will not impair the city's treatment processes.
- (3) The BOD or suspended solids concentration of waste discharged does not cause the average BOD or suspended solids of waste received by the wastewater treatment plant to increase above 250/mgL.
- (4) The user, at his expense, provides the Manager reports as required.
- (5) The user responsible for the waste pays an industrial surcharge as determined by the Sewer Rate Ordinance No. 76-18, as amended.

SECTION 6 - ENFORCEMENT

6.1 Harmful Contributions

The Manager may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the Manager, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial danger to the health or welfare of persons, to the environment, causes interference to the POTW, or causes the City to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order,

the Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system, or endangerment to any individual. The Manager shall reinstate the Wastewater Contribution Permit and/or the Wastewater Treatment Service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the cause of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Manager within 15 days of the date of occurrence.

6.2 Revocation of Permit

Any user who violates the following conditions of this Ordinance, or applicable State and Federal Regulations, is subject to having his permit revoked, in accordance with the procedures of Section 6 of this Ordinance:

- (a) Failure of a User to factually report the wastewater constituents and characteristics of his discharge;
- (b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,
- (d) Violation of conditions of the permit.

6.3 Notification of Violation

When the Manager finds that any user has violated or is violating this Ordinance, wastewater contribution permit, or any prohibition, limitation of requirements contained herein, the Manager May serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Manager by the user.

6.4 Show Cause Hearing

6.4.1 The Manager may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of the hearing to be held by the Manager regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Manager why the proposed enforcement action should not be taken. The notice of the hearing shall be served

personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

6.4.2 The Manager may himself conduct the hearing and take the evidence, or may designate an employee of the Corporation to:

(a) Issue in the name of the Manager notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;

(b) Take the evidence;

(c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Manager for action thereon.

6.4.3 At any hearing held pursuant to this Ordinance, testimony must be taken under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

6.4.4 After the Manager has reviewed the evidence, he may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service will be discontinued unless adequate treatment facilities, devices, or other related appurtenances, shall have been installed on existing treatment facilities and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

6.5 Legal Action

If any person discharges sewage, industrial wastes or other wastes into the City's POTW contrary to the provisions of this Ordinance, Federal or State Pretreatment Requirements, or any order of the Manager, the City Attorney may commence an action for appropriate legal and/or equitable relief.

SECTION 7 - PENALTY: COSTS

7.1 Civil Penalties

Any user who is found to have violated an order of the Manager, or who willfully or negligently failed to comply with any provision of this Ordinance, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than \$25.00 nor more than \$250.00 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

7.2 Falsifying Information

Any person who knowingly makes any false statements,

representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than six months, or by both.

SECTION 8 - SEVERABILITY

If any provision, paragraph, word, section or article 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 9 - CONFLICT

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

SECTION 10 - EMERGENCY CLAUSE

10.1 That this ordinance being necessary for the protection of sanitation, public peace, health and safety, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

Passed and adopted by the City Council of the City of Conway, Arkansas on this 11th day of October, 19 83.

APPROVED: Bill Wright
Mayor

ATTEST:

Martha Hestrick
City Clerk-Treasurer