
PRETREATMENT ORDINANCE
CLARKSVILLE, ARKANSAS

ORDINANCE NO. 12-651

AN ORDINANCE AMENDING ORDINANCE NO. 02-442 and CHAPTER 10.04 OF THE CLARKSVILLE MUNICIPAL CODE CONCERNING THE USE OF PUBLIC AND PRIVATE SEWERS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION, CONSTRUCTION, MAINTENANCE, AND CONNECTION OF BUILDING SEWERS, THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; PROVIDING PENALTIES FOR THE VIOLATION THEREOF, REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND FOR OTHER PURPOSES, ALL PERTAINING TO THE SEWER SYSTEM WITHIN THE JURISDICTION OF THE CITY OF CLARKSVILLE, ARKANSAS.

WHEREAS, the Clarksville City Council is desirous of amending Ordinance 02-442 and Chapter 10.04 of the Clarksville Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, ARKANSAS.

SECTION 1. That Chapter 10.04 - Use of Sewer of the Clarksville Municipal Code is hereby amended to read as follows:

10.04.00 - SHORT TITLE

The Ordinance shall be known as the "Sewer Use - Pretreatment Ordinance".

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10.04.01 - PURPOSE AND POLICY

This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) for the City of Clarksville, Arkansas and enables Clarksville Light & Water Co. (CL&W) to

comply with all applicable State and Federal laws including the Clean Water Act (33 U.S.C. 1251 *et. seq.*) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this ordinance are:

1. To prevent the introduction of pollutants into the POTW that will interfere with its operation;
2. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
3. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
4. To protect POTW personnel in the course of their employment and the general public at large from being adversely affected by wastewater and sludge;
5. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
6. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW;
7. To enable the City to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use, and disposal requirements and any other Federal or State laws to which POTW is subject; and
8. To encourage Pollution Prevention activities through waste minimization, source reduction, water and energy conservation.

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

10.04.02 - ADMINISTRATION

1. The City Council shall establish such fees for sewer service and connection as are necessary to properly maintain and operate the POTW. The Clarksville Light and Water Commission (CL&W) shall, in compliance with Arkansas Code of 1987 Annotated, including 1995 supplement Volume 5A, 8-4-103(g) *et seq.*, authorize any judicial enforcement remedy taken by the CL&W against any industrial user in violation of the Clarksville Municipal Code.
2. Except as otherwise provided herein, the General Manager of the CL&W shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the General Manager may be delegated by the General Manager to other CL&W personnel.

10.04.03 - ABBREVIATIONS

The following abbreviations, when used in this ordinance, shall have the designated meanings:

BOD	Biochemical Oxygen Demand
BMP	Best Management Practice

BMR	Baseline Monitoring Report
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
CL&W	Clarksville Light and Water Commission
COD	Chemical Oxygen Demand
EPA	U.S. Environmental Protection Agency
gpd	gallons per day
IU	Industrial User
mg/l	milligrams per liter
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-Significant Categorical Industrial User
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIU	Significant Industrial User
SNC	Significant Noncompliance
TSS	Total Suspended Solids
U.S.C.	United States Code

10.04.04 - DEFINITIONS

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

1. "Act" or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
2. "Accessible Public Sewer" shall mean an existing public sewer located so that it may be reached either by a building sewer constructed at the minimum grade recommended by the Arkansas Department of Health or by a combination of the extension of the existing public sewer and the construction of a building sewer, both of which are constructed at the minimum grade recommended by the Arkansas Department of Health.
3. "Approval Authority" currently refers to the Arkansas Department of Environmental Quality (ADEQ).
4. "Authorized Industrial User" or "Authorized Representative of the Industrial User" shall mean:
 - (a) If the industrial user is a corporation, "authorized representative" shall mean:
 - (1) 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
 - (2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures, provided the manager is authorized to make management decisions that 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 individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (b) If the industrial user is a partnership or sole proprietorship, an "authorized representative" shall mean a general partner or proprietor, respectively.
 - (c) If the industrial user is a Federal, State, or local governmental facility, an "authorized representative" shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or his/her designee.
 - (d) The individuals described in paragraphs (a) through (c) above may designate another authorized representative if (i) the authorization is in writing, (ii) the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or the individual or position having overall responsibility for environmental matters of the company, and (iii) the written authorization is submitted to the General Manager of the City of Clarksville.
5. "Biochemical Oxygen Demand (BOD)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade usually expressed as a concentration (e.g., mg/l) [expressed in terms of mass and concentration (milligrams per liter (mg/l))].
 6. "Best Management Practices (BMPs)" shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs 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. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.
 7. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
 8. "Building Sewer" shall mean the extension from the building drain to the public sewer or other places of disposal.
 9. "Categorical Industrial User" shall mean an Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
 10. "Categorical Pretreatment Standard" or "Categorical Standard" shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) which applies to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
 11. "Chemical Oxygen Demand (COD)" shall mean the measure of the oxygen-consuming capacity of inorganic and organic matter present in the water or wastewater expressed in mg/l as the amount of oxygen consumed from a chemical oxidant in a

specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand. [A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

12. "City" shall mean the City of Clarksville, County of Johnson, State of Arkansas or the City Council of the City of Clarksville.
13. "Collector Building Sewer" shall mean a sewer on private property, privately maintained, which serves more than one building sewer. Collector building sewers shall be constructed with manholes at grade changes, changes in alignment and at termini, and with pipe having a diameter of at least six (6) inches, and such sewers shall be located outside building walls and footings.
14. "Color" shall mean the optical density at the visual wavelength of maximum absorption relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
15. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
16. "Commission" shall mean Clarksville Light and Water Commission (CL&W).
17. "Composite Sample" shall mean the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
18. "Control Authority" under the provisions of 40 CFR 403.12(a) shall mean the General Manager of CL&W and the person charged with certain duties and responsibilities by this ordinance or his/her duly appointed or authorized representative.
19. "Control Manhole" or "Control Point" shall mean a point of access to a building sewer at a point before wastewater conveyed by the building sewer mixes with other wastewater conveyed by the public sewer.
20. "Council" or "City Council" shall mean the duly elected or appointed governing body of the City of Clarksville.
21. "Daily Maximum" shall mean the arithmetic average of all effluent samples for a pollutant collected during a calendar day.
22. "Daily Maximum Limit" shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
23. "Environmental Protection Agency" or "EPA" shall mean the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
24. "Existing Source" shall mean any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the act. Any source of discharge that is not a "New Source" as defined herein.

25. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.
26. "General Manager" shall mean the person designated by the CL&W of the City of Clarksville to manage and supervise the water and wastewater utilities of the City of Clarksville, Arkansas, and who is charged with certain duties and responsibilities by this ordinance or the duly appointed or authorized representative of such person.
27. "Grab Sample" shall mean a sample that is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
28. "Indirect Discharge" or "Discharge" shall mean the introduction of pollutants into the POTW from any nondomestic source.
29. "Industrial User" or "User" shall mean a source of indirect discharge.
30. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
31. "Instantaneous Maximum Allowable Discharge Limit" shall mean the maximum concentration (or loading) or a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- "Instantaneous Limit" shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event. If the POTW would like the flexibility to measure compliance with either a single grab sample or sample representative of the discharge day, the POTW should establish both Daily Maximum and Instantaneous Limits.
32. "Interference" shall mean a discharge which alone or in conjunction with a discharge or discharges from other sources:
- (a) inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and
 - (b) therefore is a cause of a violation of Clarksville's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
33. "Local Limit" shall mean specific discharge limits developed and enforced by Clarksville Light & Water (CL&W) upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
34. "Mayor" shall mean the Mayor of the City of Clarksville, Arkansas.

35. "Medical Waste" shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
36. "Milligrams Per Liter (mg/l)" shall mean parts per million and is a weight-to-volume ratio; the milligrams per liter value multiplied by a factor of 8.34 shall be equivalent to pounds per million gallons of water.
37. "Monthly Average" shall mean the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
38. "Monthly Average Limit" shall mean the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
39. "National Pollution Discharge Elimination System Permit" or "NPDES Permit" shall mean a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
40. "Natural Outlet" shall mean any outlet in a watercourse, pond, ditch, lake, or other body of surface or groundwater.
41. "New Source" shall mean:
- (a) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - (1) the building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (2) the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - (3) the production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
 - (b) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section 10.04.04, (41) (A)(2), or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.
 - (c) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
 - (1) begun, or caused to begin, as part of a continuous onsite construction

program:

(a) any placement, assembly, or installation of facilities or equipment; or

(b) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(2) entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that 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.

42. "Noncontact Cooling Water" shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
43. "Normal Domestic Wastewater" shall mean wastewater, excluding that from non-residential uses, discharged to a person into the POTW in which the average concentration of BOD₅ is not more than 300 mg/l and TSS is not more than 300 mg/l.
44. "North American Industry Classification System (NAICS)" shall mean a classification pursuant to the North American Industry Classification System Manual published by the Office of Management and Budget.
45. "Owner" shall mean the Person or Persons who possess any interest in the structure or property to which such ownership relates.
46. "Pass-Through" shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of Clarksville's NPDES permit, including an increase in the magnitude or duration of a violation.
47. "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
48. "pH" shall mean a measure of the acidity or alkalinity of a solution, expressed in standard units.
49. "Pollutant" shall mean 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 discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of the wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
50. "Pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an

applicable Pretreatment Standard.

51. "Pretreatment Requirements" shall mean any substantive or procedural requirement related to pretreatment imposed on [an industrial user] [a User], other than a Pretreatment Standard.
52. "Pretreatment Standards" or "Standards" shall mean prohibited discharge standards, categorical Pretreatment Standards, and technically based Local Limits.
53. Pharmaceutical drug, also referred to as medicine, medication or medicament, can be loosely defined as any chemical substance intended for use in the medical diagnosis, cure, treatment, or prevention of disease.
54. "Prohibited Discharge Standards" or "Prohibited Discharges" shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section __10.04.06__ of this ordinance.
55. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
56. "Publicly Owned Treatment Works" or "POTW" shall mean a treatment works, as defined by Section 212 of the Act (33 U.S.C. section 1292), which is owned by the State or municipality. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes and any conveyances that convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
57. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by the CL&W.
58. "Sanitary Sewer" shall mean a sewer that carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
59. "Septic Tank Waste" shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
60. "Sewage" shall mean human excrement and gray water (household showers, dishwashing operations, etc.).
61. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
62. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
63. "Sewer Surcharge" or "Surcharge" shall mean a sewer service charge above the normal monthly sewer rate which may be assessed to those non-residential sewer users who discharge into the POTW wastewater having BOD₅ in excess of 300 mg/l or suspended solids content in excess of 300 mg/l.
64. "Significant Industrial User (SIU)"

shall mean, except as provided in paragraphs (a), (b) and (c) of this Section, an Industrial User that:

(a) is subject to categorical Pretreatment Standards; or

- (b) (1) discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
- (2) contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- (3) is designated as such by General Manager on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

65. "Slug Load" or "Slug Discharge" shall mean any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 10.04.06

of this ordinance or any discharge of a non-routine, episodic nature including, but not limited to, an accidental spill or a non-customary batch discharge. 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 a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

66. "Standard Industrial Classification Code (SIC)" shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

67. "Standard Methods" shall mean the examination and analytical procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Association.

68. "Storm Drain" or "Storm Sewer" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial waste, other than unpolluted cooling water.

69. "Storm Water" shall mean any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

70. Superintendent; The person designated by General Manager to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the General Manager.

71. "Suspended Solids" shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquid and which is removable by laboratory filtering.

72. "To Discharge" shall mean to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or allow, permit, or suffer any of these acts or omissions.
73. "Total Suspended Solids" or "Suspended Solids" shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
74. "Toxic Pollutant" shall mean any of 126 pollutants, or combination of these pollutants, listed as toxic in regulations promulgated by the EPA under the provision of Section 307 (33 U.S.C. 1317) of the Act.
75. "Trap" shall mean a device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes, or other harmful substances.
76. "Treatment Plant Effluent" shall mean any discharge of pollutants from the POTW into waters of the State.
77. "Unusual BOD" shall mean BOD5 in excess of 300 mg/l.
78. "Unusual Suspended Solids" shall mean total suspended solids in excess of 300 mg/l.
79. "User" or "Industrial User" shall mean a source of indirect discharge.
80. "Wastewater" shall mean 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.
81. "Wastewater Treatment Plant" or "Treatment Plant" shall mean that portion of the POTW designed to provide treatment of municipal sewage and industrial waste.
82. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

For purposes of this ordinance, the term "shall" is mandatory; the term "may" is permissive or discretionary; use of the singular shall be construed to include the plural; and use of the plural shall include the singular as indicated by the context of its use.

10.04.05 - GENERAL SEWER USE REQUIREMENTS

1. Use of Public Sewers

(a) It shall be unlawful to discharge to a any natural outlet within the City of Clarksville, Arkansas, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this ordinance. The issuance of a valid National Pollutant Discharge Elimination System permit authorizing such discharges into a natural outlet shall be considered as meeting all the requirements of this section.

(b) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank cesspool, or other facility intended to be used for the disposal of sewage.

(c) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the City and located within three hundred (300) feet of an accessible public sewer shall at his/her expense, install suitable toilet facilities therein, and connect said facilities to such accessible public sewer. The requirements of this section shall not apply to owners discharging such sewage under the provisions of a valid National Pollutant Discharge Elimination System permit.

(d) Other than building sewers and collector building sewers, all sewers constructed by owners to connect the building drains of structures to an existing public sewer shall be located within public easements or rights of way and shall be constructed by such owner to the standards for public sewers required by the City. No sewer shall be constructed within any public easement or right of way or connected to an existing public sewer without approval by the General Manager of CL&W.

(e) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, or subsurface drainage to the POTW.

(f) Storm water and all other surface runoff shall be discharged to such sewers specifically designated as storm sewers or to a natural outlet.

2. Private Sewage Disposal

(a) Where a public sanitary sewer is not available under the provisions of Section 10.04.04(2) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(b) Before commencement of construction of a private wastewater disposal system within the City of Clarksville, Arkansas, or in any area under the jurisdiction of said City, all persons shall first obtain a septic system approval permit for such construction from the Arkansas Department of Health County Sanitarian. The current Arkansas Department of Health septic system permit fee charged by the County Sanitarian

(c) The type, capacities, locations, and layout of private sewage

disposal systems shall comply with all applicable requirements of the Arkansas Department of Health and/or the ADEQ.

(d) Within twelve (12) months from the date on which a public sewer becomes available as defined in Section 10.04.04(2) above, in those areas where services not now available, all persons owning property on which structures are located having a point of water usage within three hundred (300) feet of an accessible public sewer shall connect the building sewer to the public sewer pursuant to the provisions of Section 10.04.04(2) above. The requirements of this section shall not apply to persons discharging such sewage under the provisions of a valid NPDES permit.

3. Building Sewers and Connections

(a) No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a permit for such connection from the City of Clarksville. No permit shall be issued for a sewer connection until the then current tie-on fee prescribed by Section 10.04.05(2)(b) or Section 10.04.19 of the Clarksville Municipal Code has been paid.

(b) There shall be two (2) classes of building sewer permits:

(1) for service to residential and commercial establishments; and

(2) for service to establishments producing industrial wastes.

In either case, the person shall make application on special forms furnished by the City. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent by the General Manager.

(c) Prior to the initiation of sewer service to potential new customers who will discharge industrial process wastes to the POTW, the potential customer shall complete an Industrial User Survey (on forms furnished by the General Manager no less than one hundred twenty (120) days prior to the date on which the potential customer plans to discharge wastewater to the POTW. If the potential customer will be a Significant Industrial User, the potential customer shall, pursuant to Section 10.04.08 of the Clarksville Municipal Code, complete an application for an Industrial Waste Discharge Permit (on forms furnished by the General Manager no less than ninety (90) days prior to the date on which the potential customer plans to discharge wastewater.

(d) The General Manager will evaluate applications for Industrial Waste Discharge Permits and determine, pursuant to Section 10.04.09 of the Clarksville Municipal Code, whether or not to issue the applicant an Industrial Waste Discharge Permit.

(e) A separate and independent building sewer shall be provided for each individual building except.

(1) where multiple buildings are constructed in an apartment complex or condominium on a single lot or tract of land which

cannot be subsequently subdivided and sold in parcels, the individual buildings may be connected to a common building sewer provided that only one person is responsible for maintenance of the building sewer; or

(2) temporary buildings, mobile homes, or similar portable structures may be connected to a building sewer installed to serve a previously constructed permanent building provided that both the permanent and temporary buildings re located on a lot or tract and maintained in common ownership.

(f) Pipe for building sewers for service to the City of Clarksville public sewer may be of any approved material listed in the City of Clarksville Plumbing Code.

The General Manager shall approve:

(1) the type of material and size of pipe to be used in the construction of building sewers; and

(2) the methods of installation of building sewer pipe prior to and/or during construction of building sewers.

(g) Persons possessing building sewer permits shall notify the General Manager when the building sewer is ready for inspection and connection to the POTW. The connection shall be accomplished only by a licensed plumber and inspected by CL&W sewer department personnel.

(h) Persons possessing building sewer permits shall indemnify the City of Clarksville from any loss or damage that may directly be occasioned by the installation and/or operation of the building sewer.

(i) Persons possessing building sewer permits shall hold the City of Clarksville harmless from any loss or damage that may directly be occasioned by the installation and/or operation of the building sewer.

10.04.06. - REGULATION OF DISCHARGES

1. Prohibited Discharge Standards. 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. Furthermore, no non domestic user may contribute the following substances to the POTW:
 - (a) Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21.
 - (b) Any Wastewater having a pH less than 6.0 or more than 10.0 or otherwise causing corrosive structural damage to the POTW or equipment or endangering City personnel.
 - (c) Solid or viscous substance, in amounts which will cause obstruction of the flow in

the POTW resulting in Interference, but in no case solids greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

- (d) Any Wastewater containing pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with either the POTW or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.
- (e) Any Wastewater having a temperature greater than 150 degrees (65 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case Wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
- (f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.
- (g) Any Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (h) Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with this ordinance.
- (i) Pharmaceutical drugs from any commercial for profit entity.
- (j) Any Noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance or repair.
- (k) Any Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating Clarksville's NPDES permit.
- (l) Any Wastewater containing any radioactive wastes or isotopes except as specifically approved by the General Manager in an Industrial Waste Discharge Permit in compliance with applicable State or Federal regulations.
- (m) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, Noncontact Cooling Water, and unpolluted industrial wastewater, unless specifically authorized by the Superintendent in an Industrial Waste Discharge Permit.
- (n) Any sludge, screenings, or other residues from the pretreatment of industrial wastes.
- (o) Any Medical Wastes, or hazardous waste including, but not limited to mercury and silver except as specifically authorized by the Superintendent in an Industrial Waste Discharge Permit.
- (p) Any Wastewater causing, alone or in conjunction with other sources, the

treatment plant's effluent to fail toxicity test.

- (q) Any wastes containing detergents, surface-active agents, surfactants, or other substances that might cause excessive foaming or scum in the POTW.
- (r) Any discharge of fats, oils, or greases of animal or vegetable origin is limited to one hundred (100) mg/l

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

2. National] [Federal] Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

- (a) Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent
- (b) may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(b) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent shall convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

(c) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the General Manager shall impose an alternate limit in accordance with 40 CFR 403.6(e) using the combined waste stream formula in 40 CFR 403.6(e).

(d) A User may obtain a variance from a Categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13 that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standards.

3. State Pretreatment Standards

Reserved

4. Local Limits

- (a) The General Manager is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

(b) Local limits are developed, implemented and enforced to protect against pass through and interference. No user shall discharge or cause to be discharged into the POTW any wastewater pollutant concentration exceeding the Technically Based Local Limits (Appendix K) developed from time to time by the General Manager of CL&W as required in the City's NPDES Permit, 40CFR403.5(C) and approved by ADEQ. TBLL (if necessary) based on calculated site specific Maximum Allowable Industrial Loadings are located in the City's Pretreatment program. At the discretion of the General Manager, TBLL shall be allocated, imposed and shall apply "monitoring point" described in individual, Industrial Wastewater Discharge Permits. All concentration limits or metals shall be in terms "total metals" unless otherwise indicated. The General Manager may also develop BMP's in individual Wastewater Discharge Permits, to implement specific pollutant limitations. Such BMP's shall be considered local limits and pretreatment standards. When new Local Limits are implemented or revised, the General Manager will provide individual notice to parties who have requested such notice and an opportunity to respond, as set forth by 40CFR404.5(c)(3). This requirement of notice also applies when Local Limits are set on a case by case basis.

(c) The General Manager may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits to implement Local Limits and the requirements of Section 10.04.06

5. State Requirements

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

7. Right of Revision

The City of Clarksville reserves the right to establish, by ordinance or in individual wastewater discharge permits more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

8. Special Agreement

The City of Clarksville reserves the right to enter into special agreements with Industrial Users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a Pretreatment Standard or Requirement.

9. Dilution

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 a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The General Manager may impose mass limitations on users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

10.04.07 - PRETREATMENT OF WASTEWATER

1. Pretreatment Facilities

Users shall provide wastewater treatment as required to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 10.04.06 of this ordinance within the time limitations specified by the EPA, the State, or the CL&W, whichever is more stringent. Any facilities required to pre-treat wastewater to a level acceptable to the CL&W necessary for compliance 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 General Manager for review and shall be acceptable to the CL&W before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the CL&W POTW under the provisions of this ordinance.

2. Additional Pretreatment Measures

(a) Whenever deemed necessary for proper operation of the POTW, the General Manager may require Users to restrict their discharge of wastewater during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the Users compliance with the requirements of this ordinance.

(b) Whenever deemed necessary for proper operation of the POTW, the General Manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow over a twenty-four (24) hour period. The General Manager may require that such flow equalization control facility be equipped with alarms and a rate of discharge controller, the regulation of which may be directed only by the General Manager. An individual wastewater discharge permit may be issued solely for flow equalization.

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

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

All interceptor units shall be continuously maintained in satisfactory and effective operation by the owner at his expense. Storage, handling, transportation, and disposal of all wastes generated from [interceptor units] shall be performed in accordance with all applicable Federal, State, and local regulations that pertain to that type and/or class of waste.

(d) [Users] with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection

meter.

3. Accidental Discharge/Slug Control Plans

The General Manager shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The General Manager may require any Industrial User to develop, submit for approval, and implement an accidental discharge/slug control plan or take such other action that may be necessary to control Slug Discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following;

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

(b) Description of stored chemicals;

(c) Procedures for immediately notifying the POTW of any accidental or Slug Discharge, as required by Section 10.04.06_ of this ordinance. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Sections 10.04.06 of the Ordinance. and

(d) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site 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.

4. Tenant Responsibility

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

5. Vandalism

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

10.04.08 - WASTEWATER DISCHARGE PERMIT ELIGIBILITY

1. Wastewater Analysis

When requested by the General Manager, a User must submit information on the nature and characteristics of its wastewater within (20 working) days of the request by completing a wastewater survey prior to commencing or continuing their discharge. The General Manager is authorized to prepare a form for this purpose and may periodically require Users to update this information. Failure to complete this survey shall be reasonable grounds for terminating service to the User and shall be considered a violation of the Clarksville Municipal Code.

2. Wastewater Discharge Permit Requirement

(a) No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the General Manager, except that a Significant Industrial User that has filed a timely application pursuant to Section 10.04.08 (3) of this ordinance may continue to discharge for the time period specified therein.

(b) The General Manager may require other Users to obtain individual wastewater discharge as necessary to carry out the purposes of this ordinance.

(c) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10.04.14 through 10.04.16 of this ordinance. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

3. Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within 60 days after said date, apply to the General Manager for an individual wastewater discharge permit in accordance with Section 10.04.05 of this ordinance, and shall not cause or allow discharges to the POTW to continue except in accordance with an individual wastewater discharge permit issued by the General Manager.

4. Wastewater Discharge Permitting: New Connections

Any Significant Industrial User proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit in accordance with Section 10.04.05 of this ordinance must be filed at least ninety (90) days prior to the date upon which any discharge will begin.

5. Wastewater Discharge Permitting: Extra-jurisdictional Industrial Users (Industrial Users Outside Corporate Limits of the City of Clarksville)

(a) Any existing Significant Industrial User located beyond the City of Clarksville corporate limits shall, within ninety (90) days of notification of the requirements, submit to the General Manager a wastewater discharge permit application in accordance with Section 10.04.08(6). Such extra-jurisdictional Industrial Users shall be subject to all the provisions of Section 10.04.08(3). New (potential) Significant Industrial Users located beyond the City of Clarksville corporate limits shall submit such applications to the General Manager ninety (90) days prior to any proposed discharge into the POTW.

(b) CL&W may only accept wastewater from any entity located outside the Clarksville Corporate Limits if specifically authorized by resolution by

the Clarksville City Council.

(c) Alternatively, the City of Clarksville may enter into an agreement with a neighboring jurisdiction in which the Significant Industrial User is located to provide for the implementation and enforcement of the Clarksville Industrial Pretreatment Program requirements against said Industrial User.

(d) Nothing in the foregoing sections 10.04.08(5)(a)-(c) or any provisions of the Clarksville Municipal Code shall be construed as requiring the City of Clarksville to accept wastewater into the POTW from any User located outside the City of Clarksville corporate limits.

6. Wastewater Discharge Permit Application Contents

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

- (1) Identifying Information: The name and address of the facility, including the name of the operator and owner.
- (2) Environmental Permits: A list of any environmental control permits held by or for the facility.
- (3) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
- (4) Number and type of employees, hours of production and operation of pretreatment facilities, and proposed or actual hours of discharge to the POTW.
- (5) Each product produced by type, amount, process or processes, and rate of production.
- (6) The results of sampling and analysis identifying the nature and concentration, and/or mass where required by the General Manager of regulated pollutants in the discharge from each regulated process.
- (7) Type and amount of raw materials processed (average and maximum per day).
- (8) The site plans,, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
- (9) Time and duration of the discharges.
- (10) Location for monitoring al waste covered by the permit.

(11) Any other information as may be deemed necessary by the General Manager to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the Industrial User for revision.

7. Application Signatories and Certification

All wastewater discharge permit applications and Industrial User reports must contain the following certification statement and be signed by an Authorized Representative of the Industrial User, as defined by Ordinance Section 10.04.04(4).

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for [known] [knowing] violations."

If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the General Manager prior to or together with any reports to be signed by an Authorized Representative.

8. Wastewater Discharge Permit Decisions

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

10.04.09 - INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

1. Wastewater Discharge Permit Duration

Wastewater discharge permits shall be issued for a specific time period not to exceed five (5) years. A wastewater discharge permit may be issued for a period of less than five (5) years, at the discretion of the General Manager. Each wastewater discharge permit will indicate a specific date upon which it will expire.

2. Wastewater Discharge Permit Contents

Wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the General Manager to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

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

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years.

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to and approval of CL&W and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

(3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards. As necessary at the General Manager's discretion.

(4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants or best management practice. To be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

(5) Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(6) Requirements to control Slug Discharge, if determined by the Superintendent to be necessary.

(b) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Limits on the instantaneous, daily, and monthly average and/or maximum concentration mass or other measure of identified wastewater pollutants or properties;

(3) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(4) Requirements for the development and implementation of spill control plans or other special conditions including best management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

(5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(6) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;

(7) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(8) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and

(9) Other conditions as deemed appropriate by the General Manager to ensure compliance with this ordinance and State and Federal laws, rules, and regulations.

3. Wastewater Discharge Permit Appeals

Any person, including the Industrial User, may within thirty (30) days of permit issuance petition the CL&W to reconsider the terms of a wastewater discharge permit.

- (a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (b) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (c) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (d) If the CL&W fails to act within sixty (60) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- (e) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with a court of competent jurisdiction within 30 days.

4. Wastewater Discharge Permit Modification

The General Manager may modify a wastewater discharge permit for good cause,

including, but not limited to, the following reasons:

- (a) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (b) To address significant alterations or additions to the Industrial User's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance;
- (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (d) Information indicating that the permitted discharge poses a threat to the POTW, POTW personnel, or the receiving waters
- (e) Violation of any terms or conditions of the wastewater discharge permit;
- (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (g) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- (h) To correct typographical or other errors in the individual wastewater discharge permit; or
- (i) To reflect a transfer of the facility ownership and/or operation to a new owner/ operator.

5. Wastewater Discharge Permit Transfer

Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least thirty (30) days advance notice to CL&W and CL&W approves the wastewater discharge permit transfer. The notice to the General Manager must include a written certification by the new owner and/or operator which:

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

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

6. Wastewater Discharge Permit Revocation

The General Manager may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (a) Failure to notify the General Manager of significant changes to

the wastewater prior to the changed discharge;

(b) Failure to provide prior notification to the General Manager of changed conditions pursuant to Section 10.04.10(5) of the Clarksville Municipal Code;

(c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(d) Falsifying self-monitoring reports and certification statements;

(e) Tampering with monitoring equipment;

(f) Refusing to allow the General Manager timely access to the facility premises and records;

(g) Failure to meet effluent limitations;

(h) Failure to pay fines;

(i) Failure to pay sewer charges;

(j) Failure to meet compliance schedules;

(k) Failure to complete a wastewater survey or the wastewater discharge permit application;

(l) Failure to provide advance notice of the transfer of a permitted facility; or

(m) Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits issued to a User are void upon the issuance of a new wastewater discharge permit to that User.

7. Wastewater Discharge Permit Reissuance

A User with an expiring individual wastewater discharge permit shall apply for a wastewater discharge permit reissuance by submitting a complete permit wastewater discharge permit application, acceptable to CL&W, in accordance with Section 10.04.08(6) of the Clarksville Municipal Code a minimum of sixty (60) days prior to the expiration of the User's existing wastewater discharge permit.

10.04.10 - REPORTING REQUIREMENTS

1. Baseline Monitoring Reports

(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 Industrial

Users]subject to such categorical pretreatment standards and] currently discharging to or scheduled to discharge to the POTW shall be required to submit to the CL&W a report which contains the information listed in paragraph below.

- (b) At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Industrial Users Industrial users] subsequent to the promulgation of an applicable categorical Standard, shall be required to submit to the CL&W a report which contains the information listed in Section 10.04.10(1)(b) below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Pretreatment Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (c) The Users described above shall submit the information required by this section including:

(1) All information required in Section 10.04 .10(b)(2) Section 10.04.10(b)(3), Section 10.04.10(b)(4), and Section 10.04.10(b)(5).
[Note: See 40 CFR 403.12(b)(1)-(7)]

(2) Identifying Information. The name and address of the facility, including the name of the operator and owner(s)

(3) Wastewater Discharge Permits. A list of any environmental control wastewater discharge permits held by or for the facility.

(4) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operations carried out by such Industrial User. This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.

(5) Flow Measurement. Information showing the measured average daily and maximum daily flow, in galls per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

(6) Measurement of Pollutants.

A. The User shall provide the information required in Section 10.04.10 (11) (a) through (d).

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 in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate

concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority.

D. Sampling and analysis shall be performed in accordance with Section 10.04.10 (10).

E. The Superintendent 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.

(7) Certification

A statement reviewed by the Industrial User's Authorized Representative as defined in Section 10.04.04 (4) 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.

(8) Compliance Schedule.

If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 10.04.10(2) of the Clarksville Municipal Code.

(9) Signature and Report Certification

All baseline monitoring reports must be signed and certified in accordance with Section 10.04.08(7) of the Clarksville Municipal Code.

2. Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 10.04.10(1)(b)(7) above. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation). No increment referred to above shall exceed nine (9) months; User shall submit a progress report to the General Manager no later than fourteen (14) days

following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the General Manager.

3. Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any Industrial User subject to such Pretreatment Standards and Requirements shall submit to the General Manager a report containing the information described in Section 10.04.10(1)(b)(4-6) above: Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the Industrial User's long-term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the Industrial User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 10.04.08(7) above.

4. Periodic Compliance Reports

(a). All Significant Industrial Users] must, at a frequency determined by the General Manager 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 General Manager or the Pretreatment Standard necessary to determine the compliance status of the User

(b). All periodic compliance reports must be signed and certified in accordance with Section 10.04.08(7) of this ordinance.

(c). 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

(d). 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 General Manager, using the procedures prescribed in Section 10.04.10 of this ordinance, the results of this monitoring shall be included in the report.

5. Reports of Changed Conditions

Each User is required to notify the General Manager at least sixty (60) days before any planned significant changes take place with respect to the Industrial User's operations or system which change(s) might alter the nature, quality, or volume of its wastewater.

(a) The General Manager may require the Industrial User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 10.04.08(6) above.

(b) The General Manager may issue a wastewater discharge permit under Section 10.04.08(8) of this ordinance or modify an existing wastewater discharge permit under Section 10.04.09(4) of this ordinance in response to changed conditions or anticipated changed conditions.

(c) No Industrial User shall implement the planned changed condition(s) until and unless the General Manager has responded to the Industrial User's notice.

(d) For purposes of this requirement, flows in excess of the limitations set forth in the Significant Industrial User's industrial wastes discharge permit and/or the discharge of any previously unreported pollutants shall be deemed significant.

6. Reports of Potential Problems

(a) In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a Slug Discharge or Slug Load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in Sections 10.04.06(1) and (4) of the Clarksville Municipal Code), it is the responsibility of the Industrial User to immediately telephone and notify the General Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

(b) Within five (5) days following such discharge, the Industrial User shall, unless waived by the General Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, penalties or other liability which may be imposed pursuant to this ordinance

(c) Failure to notify the CL&W of potential problem discharges shall be deemed a separate violation of this ordinance.

(d) A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in Section 10.04.10(6)(A) above. Employers shall ensure that all employees who could cause or suffer such a discharge to occur are advised of the emergency notification procedure.

(e) Significant Industrial Users are required to notify the General Manager immediately of any changes at its facility affecting the potential for a Slug Discharge

7. Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the General Manager as the General Manager may require.

8. Notice of Violation/Repeat Sampling and Reporting

If sampling performed by an Industrial User indicates a violation, the Industrial User must notify the Control Authority (the General Manager of the CL&W) within twenty-four (24) hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the CL&W performs compliance monitoring of the Industrial User's wastewater discharge at least once a month, or if the CL&W performs compliance monitoring which indicates compliance between the Industrial User's initial sampling and when the Industrial User receives the results of initial sampling indicating a permit violation.

9. Notification of the Discharge of Hazardous Waste

(a) Any Industrial User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User:

(1) an identification of the hazardous constituents contained in the wastes,

(2) an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and

(3) an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months.

All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notifications under this paragraph need to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 10.04.10 (5) above. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 10.04.10(1), (3), and (4) above.

(b) Dischargers are exempt from the requirements of paragraph (a) above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any

quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this Section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

10. Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed [by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Superintendent or other parties approved by EPA

11. Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period

(a) Except as indicated in Sections (b) and (c) below, the Industrial 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 Superintendent. Where time-proportional composite sampling or grab sampling is authorized by CL&W, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and 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 the General Manager or Superintendent, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(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 10.04.10 ((1) & (3) [40 CFR 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 Superintendent may authorize a lower minimum. For the reports required by paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

12. Determination of Noncompliance

The Superintendent may use a grab sample(s) as a compliance screening tool. Where Grab Sample(s) suggest noncompliance, the General Manager and/or the Industrial User should re-sample the Industrial User's effluent using a composite techniques until consistent compliance is again demonstrated.

13. Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

14. Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records and information [obtained pursuant to any monitoring activities required by this ordinance. Any additional records and information obtained pursuant to monitoring activities undertaken by the Industrial User independent of such requirements, and documentation associated with Best Management Practices established under Section 10.04.06(2)(e). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the Industrial User or CL&W, or where the Industrial User has been specifically notified of a longer retention period by the Superintendent Users most current Slug Control Plans (if necessary), wastewater flow schematics, process narratives and permit applications shall be kept until they are revised, updated or new permit applications are submitted and approved.

15. Certification Statements

(a) Certification of Permit Applications and User Reports and *The* following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 10-04-08 (7) Users submitting baseline monitoring reports under Section 10-04-10 (b) (5) [Note: See 40 CFR 403.12 (l)]; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 10-04-10 (3) [Note: See 40 CFR

403.12(d)]; Users submitting periodic compliance reports required by Section 10-04-10 (4) (a-d) Note: See 40 CFR 403.12(e) and (h), and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 10-04-10 (b) (4) Note: See 40 CFR 403.12(e)(2)(iii). The following certification statement must be signed by an Authorized Representative as defined in Section 10.04.11

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.

10.04.11 - COMPLIANCE MONITORING

1. [Right of Entry:] Inspection and Sampling

The General Manager shall have the right to enter the premises of any Industrial User to determine whether the Industrial User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Industrial Users shall allow the General Manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where an Industrial User has security measures in force which require proper identification and clearance before entry into its premises, the Industrial User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the CL&W, State, and EPA will be permitted to enter the premises without delay for the purposes of performing their specific responsibilities.

(b) Clarksville Light & Water, State, and EPA shall have the right to set up on the Industrial User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the Industrial User's operations.

(c) The General Manager may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated once per month other than flow meter, annually to ensure their accuracy.

(d) Any temporary or permanent obstruction to safe and easy access to the Industrial User's facility to be inspected and/or sampled shall be promptly removed by the Industrial User at the written or verbal request of the General Manager and shall not be replaced. The costs of clearing such access shall be borne by the Industrial User.

(e) Unreasonable delays in allowing authorized CL&W personnel

access to the Industrial User's premises shall be a violation of this ordinance.

2. Search Warrants

If the CL&W personnel have been refused access to a building, structure, or property, or any part thereof and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the CL&W designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the General Manager may, through the CL&W Attorney, seek issuance of a search warrant from the Municipal Court of the City of Clarksville. The Municipal Court of the City of Clarksville may issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the General Manager in the company of a uniformed police officer of the City of Clarksville. In the event of an emergency affecting public health and safety, inspections may be made without the issuance of a warrant.

10.04.12 - CONFIDENTIAL INFORMATION

Information and data on an Industrial User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from CL&W inspection and sampling activities, shall be available to the public without restriction, unless the Industrial User specifically requests and is able to demonstrate to the satisfaction of the General Manager that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the Industrial User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

10.04.13 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The CLW Co shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by [the POTW , a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term "Significant Noncompliance" shall mean applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 10.04.05
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 10.04.05 multiplied by the applicable criteria (1.4 for BOD, 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 Section 10.04.05 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the General Manager determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public
- (d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in [CL&W'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 an individual 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 deadlines, 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 General Manager determines will adversely affect the operation or implementation of the local pretreatment program.

10.04.14 - ADMINISTRATIVE ENFORCEMENT REMEDIES

1. Notification of Violation

When the General Manager finds that any User has violated, is violating, or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the General Manager or his agent may serve upon said User a written Notice of Violation. Within twenty (20) calendar days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the General Manager. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the CL&W to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

2. Consent Orders

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

3. Show Cause Hearing

The General Manager may order a User which has violated, 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, to appear before the General Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) ten (10) working days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 10.04.04(4)and required by Section 10.04.08 (7). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

4. Compliance Orders

When the General Manager finds that a User has violated, 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 General Manager may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and best management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

5. Cease and Desist Orders

When the General Manager finds that a User has violated, 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, or that the User's past violations are likely to recur, the General Manager may issue an order to the User directing it to cease and desist all such violations and directing the User to:

(a) Immediately comply with all requirements; and

(b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

6. Administrative Fines

(a) When the General Manager finds that a User has violated, 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 General Manager may fine such User in an amount not to exceed \$1,000. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

(b) Unpaid charges shall, after 120 calendar days, accrue interest at the rate of 0.25% percent per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.

(c) Users desiring to dispute such fines must file a written request for the General Manager to reconsider the fine along with full payment of the fine amount within 90 days of being notified of the fine. Where a request has merit, the General Manager may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The General Manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

7. Emergency Suspensions

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

(a) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the General Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The General Manager shall allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the General Manager that the period of endangerment has passed, unless the termination proceedings in Section 10.04.14(7) of this ordinance are initiated against the User.

(b) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit to the General Manager, prior to the date of any show cause or termination hearing under Sections 10.04.14(3) and 10.04.14(7) of this ordinance, a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

8. Termination of Discharge

In addition to the provisions in Section 10.04.09(6) of this ordinance, any User who violates the following conditions of this ordinance, wastewater discharge permits, or order issued hereunder is subject to discharge termination:

(a) Violation of wastewater discharge permit conditions;

- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (d) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- (e) Violation of the Pretreatment Standards in Section 10.04.06(1) of this ordinance.

Such User will be notified by the General Manager of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.04.14(3) of this ordinance why the proposed action should not be taken. Exercise of this option by the General Manager shall not be a bar to, or a prerequisite for, taking any other action against the User.

10.04.15 - JUDICIAL ENFORCEMENT REMEDIES

1. Injunctive Relief

When the General Manager finds that a User has violated, 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 General Manager may petition the Johnson County Court through CL&W'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 activities of the User. The General Manager 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 injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

2. Civil Penalties

(a) Any User who has violated or continues to violate any provision of this ordinance, any wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the CL&W for a maximum civil penalty of One Thousand and No/100 Dollars (\$1,000.00) per violation, per day as provided by Arkansas Code of 1987 Annotated, including 1995 supplement Volume 6A, 8-4-103(g) et seq. In the case of violation of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(b) Civil penalties, including reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by POTW, shall be recoverable in a Court of competent jurisdiction, but as provided by Arkansas Code of 1987 Annotated, including 1995 supplement Volume 6A, 8-4-103(g) et seq., such civil proceeding may be initiated only after a majority vote of the CL&W resolving to pursue such civil penalties.

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

(d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

3. Criminal Prosecution

(a) Any User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be punished in accordance with the provisions of A.C.A. § 8-4-103

(b) Any User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be punished in accordance with the provisions of A.C.A. § 8-4-103

(c) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by in accordance with the provisions of A.C.A. § 8-4-103.

(d) As provided by Arkansas Code of 1987 Annotated, including 1995 supplement Volume 6A, 8-4-103(g) et seq., no criminal prosecution under the foregoing sub-paragraphs (a), (b), and (c) above may be initiated except upon a majority vote of the CL&W Commission resolving to pursue such criminal prosecution.

(e) The criminal penalties provided in the foregoing subparagraphs (a), (b), and (c) above shall be in addition to any other cause of action for personal injury or property damage available under State law, and shall be in addition to civil penalties which may be assessed under Section 10.04.152(2) of this ordinance.

4. Remedies Nonexclusive

The remedies and provisions provided for in the Clarksville Municipal Code are not exclusive. The CL&W 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 Clarksville Pretreatment Program enforcement response plan. However, the CL&W reserves the right to take other action against any User when the circumstances warrant. Further, the CL&W is empowered to take more than one enforcement action against any noncompliant User. These actions may be taken concurrently.

10.04.16 - SUPPLEMENTAL ENFORCEMENT ACTION

1. Penalties for Late Reports

A penalty of \$1,000.00 shall be assessed to any User for each day that a report required by this ordinance, a permit or order issued hereunder is late beginning five days after the date the report is due. Higher penalties may also be assessed where reports are more than 30-45 days late. Actions taken by the General Manager to collect late reporting penalties shall not limit Superintendent's authority to initiate other enforcement actions that may include penalties for late reporting violations.

2. Performance Bonds

The General Manager may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this ordinance, any orders, or a previous wastewater discharge permit issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the CL&W, in a sum not to exceed a value determined by the General Manager to be necessary to achieve consistent compliance.

3. Liability Insurance

The General Manager may decline to issue or reissue a wastewater discharge to any User who has failed to comply with any provision of this ordinance, any order, a previous individual wastewater discharge permit issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

4. Payment of Outstanding Fees and Penalties

The General Manager may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder.

6. Public Nuisances

Any violation of any provision of this ordinance, wastewater discharge permits, or orders issued hereunder, or any other Pretreatment Standard or Requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the General Manager or his designee. Any person(s) creating a public nuisance shall be required to reimburse the CL&W for any costs incurred in removing, abating, or remedying said nuisance.

8. Contractor Listing

Users that have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to CL&W. Existing contracts for the sale of goods or services to CL&W held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the General Manager.

10.04.17 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

4. Bypass Notifications

- (1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the General Manager, at least ten (10) days before the date of the bypass, if possible.
- (2) A User shall submit oral notice to the General Manager of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The General Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

00.00.00 - WASTEWATER TREATMENT RATES - [RESERVED]

[INSERT]

10.04.18 - SURCHARGE COSTS

The CL&W may charge non-residential POTW users a surcharge in addition to the normal metered charge for sewer service who discharge wastewater into the Clarksville POTW having BOD₅ in excess of 300 mg/l or suspended solids in excess of 300 mg/l. The sewer surcharge shall be based on the following formula:

$$S = V_{ww} \times 8.34 [C_{BOD}(BOD_5 - 300) + C_{ss}(SS - 300)]$$

Where:

S = Surcharge in dollars

V_{ww} = Wastewater in millions of gallons

8.34 = Weight of water in pounds per gallon

C_{BOD} = Unit charge for BOD₅ in dollars per pound
(currently, \$1.00 per pound)

BOD₅ = Monthly average five-day BOD of IUs wastewater
in mg/l (300 mg/l or more)

300 = Concentrations in mg/l above which both BOD₅ and SS
are considered unusually high and above which a
surcharge may be assessed

C_{ss} = Unit charge for SS in dollars per pound
(currently, \$0.40 per pound)

SS = Monthly average suspended solids content of IUs

wastewater, in mg/l (300 mg/l or more)

The above unit charges per pound of BOD5 and suspended solids used in determining Industrial User (including commercial users), sewer surcharges shall be subject to periodic review by CL&W. The General Manager's review will provide a basis for adjustment of the surcharge rates necessitated by observed and/or predictable changes in the costs of transporting and treating wastewater.

10.04.19 - MISCELLANEOUS PROVISIONS

1. Pretreatment Charges and Fees

The CL&W may adopt reasonable administrative charges and fees for reimbursement of costs of setting up and operating the CL&W Pretreatment Program, which may include:

(a) Fees for wastewater discharge permit applications including the cost of processing such applications;

(b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an Industrial User's discharge, and reviewing monitoring reports and certification statements submitted by Industrial Users;

(c) Fees for reviewing and responding to accidental discharge procedures and construction;

(d) Fees for filing appeals;

(e) Fees to recover administrative and legal costs (not included in Section 10.04.19 associated with the enforcement activity taken by the Superintendent to address IU noncompliance; and

(f) Other fees as the CL&W may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the CL&W.

2. Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

3. Conflicts

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

10.04.20 - EFFECTIVE DATE

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law. That the Clarksville City Council hereby determines that the Clarksville sewer regulations shall be revised to enable effective operation of CL&W's wastewater sewage treatment plant and implementation of the Clarksville industrial pretreatment program that such passage of this ordinance is necessary to enable such operation. Therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage, approval, and publication, as provided by law.

PASSED AND APPROVED this 13th day of February, 2012.

Billy Helms
Billy Helms, Mayor

ATTEST:

Barbara Blackard
Barbara Blackard, City Clerk/Treasurer

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