



*Owned by the Citizens of Jonesboro*

Non-Significant Industrial User  
General Industrial Wastewater Discharge Permit  
Permit Number: CWL001

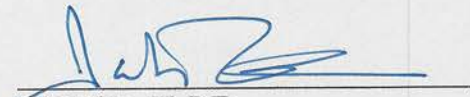
In compliance with the provisions and conditions of Part I, Chapter 70, Article III, Division 2, Sewer Use - Pretreatment Ordinance 12:009 of the Jonesboro Municipal Code, hereafter referred to as the Pretreatment Ordinance, and also with any applicable provisions of Federal, State of Arkansas, and local laws or regulations, including all applicable City Water and Light (CWL) regulations, the Permittee is authorized to discharge industrial wastes from activities classified by NAIC code 811192 into CWL's Wastewater Collection System in accordance with the General Industrial Wastewater Discharge Permit Application; effluent limitations, including BMPs; monitoring requirements; and permit conditions set forth herein.

This permit became effective January 1, 2021.

This permit and its authorization to discharge shall expire at midnight, December 31, 2025.

This permit is not transferable to persons, companies, or processes other than to which it is originally issued without prior notification to and approval from the Manager of CWL in accordance with Section 70-90 (5) of the Pretreatment Ordinance and provisions furnishing the new owner or operator with a copy of the existing industrial wastewater discharge permit.

Signed this 18<sup>th</sup> day of January, 2021

  
\_\_\_\_\_  
Jake Rice, III, P.E.  
Manager

**Part I. Effluent Limitations****Pollutant Discharge Limitations for Process Wastewater**

During the period beginning on the effective date and lasting until the date of expiration, the Permittee is authorized to discharge from Outfall Number 001. The Permittee is an Industrial User (User) that is discharging process wastewater intermittently from Outfall Number 001 and is regulated under the Pretreatment Ordinance and applicable provisions of Federal, State of Arkansas, and local laws or regulations, including all appropriate CWL regulations.

Such discharges from Outfall Number 001 shall be limited and monitored as specified below:

<b>DISCHARGE LIMITATIONS</b>					
<b>Effluent Characteristics</b>	<b>Mass Loading (lb/day, unless otherwise specified)</b>	<b>Concentration (mg/L, unless otherwise specified)</b>		<b>Monitoring Requirements</b>	
	<b>Daily</b>	<b>Daily</b>	<b>Monthly Average</b>	<b>Frequency {3}</b>	<b>Sample Type</b>
Fats, Oils & Grease (FOG) {1}	N/A	100	N/A	As required	Grab
Temperature {1}	N/A	150°F		As required	Grab
pH {1}	N/A	6.0 S.U. (Min.)	11.5 S.U. (Max.)	As required	Grab

Such discharges from Outfall Number 001 may also be subject to an excessive strength surcharge and excessive strength capacity charge, as set forth in Section 70-99 of the Pretreatment Ordinance as follows:

<b>EXCESSIVE STRENGTH SURCHARGE AND CAPACITY CHARGE LIMITATIONS</b>					
<b>Effluent Characteristics</b>	<b>Concentration (mg/L, unless otherwise specified)</b>		<b>Monitoring Requirements</b>		
	<b>Daily</b>	<b>Monthly Average</b>	<b>Frequency {3}</b>	<b>Sample Type</b>	
Biochemical Oxygen Demand (BOD <sub>5</sub> ) {1}{2}	250	N/A	As required	24 Hr TC*	
Total Suspended Solids (TSS) {1}{2}	250	N/A	As required	24 Hr TC*	
Fats, Oils & Grease (FOG) {1}{2}	100	N/A	As required	Grab	

\*TC = Time composite

{1} Pretreatment Ordinance

{2} Maximum allowed without paying an excessive strength surcharge (applicable to BOD<sub>5</sub>, TSS, and FOG), or excessive strength capacity charge (applicable to BOD<sub>5</sub> and TSS)

{3} CWL will use its discretion pertaining to sampling frequency in accordance with Part II. Monitoring Requirements, paragraph (6) of this permit.



Local Limits and Best Management Practices

To protect against pass through and interference, the Permittee may not discharge or cause to be discharged into the Publicly Owned Treatment Works (POTW) any wastewater pollutant concentration exceeding the Technically Based Local Limits (TBLLs) developed from time to time by the Manager of CWL or as required by CWL's National Pollutant Discharge Elimination System (NPDES) permits No. AR0037907 and AR0043401, authorized by 40 CFR 403.5 (c), and approved by the Arkansas Department of Environmental Quality (ADEQ).

When deemed appropriate by the Manager, specific pollutant limitations or Best Management Practices (BMPs) will be developed based on criteria approved by the Manager from time to time. These TBLLs may be performance based or based on best professional judgment, as determined by the sole discretion of the Manager on a case-by-case basis. The Manager may also develop BMPs in wastewater discharge permits to implement specific pollutant limitations. Such BMPs shall be considered Local Limits and Pretreatment Standards.

TBLLs shall apply at the "monitoring point" described in Part II. Monitoring Requirements, paragraph (2) of this permit. All concentration limits for metals pollutants shall be in terms of "total" metals unless otherwise indicated, if applicable to this permit. At the discretion of the Manager, mass limitations may be imposed in addition to or in place of concentration based TBLLs.

When new Local Limits are implemented or revised, CWL will provide individual notice to parties who have requested such notice and an opportunity to respond, as set forth by 40 CFR 403.5 (c) (3) and Section 70-87 (3) of the Pretreatment Ordinance. This requirement of notice applies whether Local Limits are set by ordinance or on a case-by-case basis.

**Part II. Monitoring Requirements**

1. The Permittee shall, within 30 days of the effective date of this permit, provide a sampling access facility on their process wastestreams at a "monitoring point" located before the process wastewater has mixed with any other non-process wastestreams discharged from the Permittee's premises. The location, equipment, and configuration contained in the sampling access facility shall be as approved by the Manager or Authorized Representative of the Manager.
2. The Permittee's "monitoring point" shall be Outfall Number 001, located upstream from the Permittee's connection with the CWL Wastewater Collection System and any non-process wastestreams. The Permittee's effluent shall consist of process wastewater in accordance with the conditions of this permit. The sampling facility shall be located immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process, if no pretreatment exists, but before the process wastewater has mixed with other non-process wastestreams. The sampling facility is to be equipped with a 110 volt GFCI outlet with the capability to connect a flow-measuring device capable of producing a 4-20 mA signal, which may be used to pace CWL sampling devices. CWL reserves the right to require the installation of a flow-measuring device.
3. Sampling and analysis of industrial wastes discharged into the CWL Wastewater Collection System shall be performed by CWL or a laboratory certified for each permitted analyte by ADEQ. Analyses shall be in accordance with 40 CFR 136, as amended, and Section 70-91(10) of the Pretreatment Ordinance.
4. The Permittee shall pay to CWL the costs of required sampling and analysis at the rates set forth in the Schedule of CWL Laboratory Charges.
5. The Permittee may, upon their request, obtain a portion of a sample for their analyses if such request is approved by CWL. Only authorized CWL personnel shall perform splitting of samples if the request is approved. Split results performed by the Permittee are for information only and will not be reportable as results for the purposes of any monitoring required by the Pretreatment Ordinance, this permit, or any order issued thereunder.
6. The frequency of sampling shall be as indicated in Part I. Effluent Limitations of this permit unless the results of monitoring indicate the need, as determined by CWL, for more or less frequent sampling. The frequency of compliance monitoring for Categorical or Significant Industrial Users shall be in no case less than twice per year, as required by 40 CFR 403.12 and Section 70-91 (4) of the Pretreatment Ordinance. Samples shall be 24-hour composite or grab samples in accordance with 40 CFR 136, as amended, and Section 70-91(11) of the Pretreatment Ordinance. Samples shall be representative of daily operations, including production and/or cleanup days. Days on which samples are taken may be varied and shall be determined by the Manager or Authorized Representative of the Manager.
7. The Permittee may be required to maintain daily records of total process wastewater flows discharged to the CWL wastewater collection system. If daily process wastewater flow records are required, such records shall be reported upon request, in writing to the Manager or the Authorized Representative of the Manager.



**Part III. Conditions of Permit**

1. Permit Fee

The Permittee shall pay an annual permit fee to CWL, as set forth in the Schedule of CWL Laboratory Charges. This fee represents the Permittee's pro rata share of the costs incurred by CWL to administer CWL's Industrial Pretreatment Program.

2. Pretreatment Facility Approval

The Manager or Authorized Representative of the Manager shall approve all plans and specifications for new or modifications to existing monitoring access facilities and pretreatment facilities.

3. Report of Potential Problems

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 any spill and/or slug loading which may cause potential problems for the POTW, the Permittee shall notify the CWL Pretreatment Coordinator immediately via telephone (870.930.3389) or the CWL dispatcher after normal business hours (870.935.5581), as set forth in Section 70-91(6) of the Pretreatment Ordinance. Immediate, appropriate action shall be taken by the Permittee to mitigate any adverse effects of the discharge.

Within five (5) days following such discharge, the Permittee shall, unless waived by the Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Permittee to prevent similar future occurrences, in accordance with Section 70-91 (6) of the Pretreatment Ordinance.

4. Accidental or Slug/Spill Discharge Control Plans

The Manager shall evaluate whether the Permittee needs an accidental or slug/spill discharge control plan (SSCP), in accordance with Section 70-88 (3) of the Pretreatment Ordinance. The Manager may require the Permittee to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control spill or slug discharges. An SSCP 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 CWL of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges established in Section 70-87 of the Pretreatment 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 run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

A notarized SSCP certification statement shall be submitted to CWL by the Permittee certifying that the Permittee is implementing the approved SSCP. The Permittee shall provide the SSCP certification statement included as an Appendix herein, signed and dated by the Authorized Representative, as defined in Section 70-85 (4) of the Pretreatment Ordinance, as requested by CWL but in no case less than twice a year.



The Permittee shall notify CWL immediately of any changes at its facility affecting potential for a slug discharge.

5. Report of Changed Conditions

The Permittee shall notify the Manager or Authorized Representative of the Manager in writing at least sixty (60) days prior to any change in production or treatment processes which would significantly affect the nature, quality, or volume of the wastewater discharged to the CWL Wastewater Collection System, as set forth in Section 70-91 (5) of the Pretreatment Ordinance. The Permittee shall not implement the planned changed conditions until and unless the CWL Pretreatment Coordinator has responded to the Permittee's notice. The Manager or Authorized Representative of the Manager must also be notified in writing when there is a change in pretreatment contact personnel at the Permittee's facilities.

6. Hazardous Waste

Any Permittee who commences or causes the commencement of the discharge of hazardous waste, in compliance with 40 CFR 403.12 (p) (1) and Section 70-91 (9) of the Pretreatment Ordinance, shall notify the Manager, the EPA Region VI Waste Management Division Director, and State hazardous waste authorities in writing of any discharge to the POTW of any substance(s) which, if otherwise disposed, would be classified as a hazardous waste under 40 CFR 261. Notification requirements and exemptions shall be as set forth in Section 70-91 (9) of the Pretreatment Ordinance.

The Permittee shall maintain documentation pertaining to the disposal of sludges or other materials classified as hazardous wastes by a method and at a site approved by appropriate State of Arkansas and Federal Regulatory Agencies.

7. Right of Entry

For the purpose of determining whether the Pretreatment Ordinance and any permit or order issued thereunder is being met and whether the Permittee is complying with all requirements thereof, the Manager and/or the Authorized Representative of the Manager shall have the right to enter any facilities of the Permittee, including but not limited to the production, materials storage, and wastewater pretreatment areas of the facility. The Permittee shall allow 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, as set forth Section 70-92 of the Pretreatment Ordinance.

8. Recordkeeping

The Permittee shall retain and make available for inspection and copying by the Manager and/or the Authorized Representative of the Manager, all records and information required to be retained in accordance with Section 70-91 (13) of the Pretreatment Ordinance, including all information resulting from any monitoring activities. These records shall remain available for a minimum of three (3) years, with the exception that this period shall be automatically extended for the duration of any enforcement action concerning compliance with the Pretreatment Ordinance or where the Permittee has been specifically notified of a longer retention period by the Manager.

9. General Prohibitions

As established in Section 70-87 (1) (A) of the Pretreatment Ordinance, the Permittee shall not introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all Industrial Users of the POTW, whether or not the User is subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.



10. Specific Prohibitions

As established in Section 70-87 (1) (B) of the Pretreatment Ordinance, the Permittee shall not contribute or cause to be introduced the following specifically prohibited pollutants, substances, or wastewater to the POTW:

- (A) Pollutants which create a fire or explosive hazard in the municipal wastewater collection system or POTW, including but not limited to waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
- (B) Any wastewater having a pH less than 6.0 S.U. or more than 11.5 S.U., or otherwise causing corrosive structural damage to the POTW or equipment or endangering CWL personnel;
- (C) Solid or viscous substances in amounts which will cause obstruction of the flow to and within the POTW or result 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<sub>5</sub>, *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 the POTW or any wastewater treatment or sludge process, or which will constitute a hazard to humans;
- (E) Any wastewater having a temperature greater than 150°F (65°C) or that which will inhibit biological activity in the treatment plant and result in interference, but in no case wastewater which causes the temperature at the introduction into the WWTP to exceed 104°F (40°C);
- (F) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- (G) Any pollutants that 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) Any trucked or hauled pollutants, except at discharge points designated by the Manager in accordance with Section 70-88 (5) of the Pretreatment Ordinance.
- (I) 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 human entry into the sewers for maintenance and repair;
- (J) Any wastewater which imparts color that 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 CWL's NPDES permit;
- (K) Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Manager in an industrial wastewater discharge permit and in compliance with applicable State or Federal regulations;
- (L) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the Manager;
- (M) Any sludges, screenings, or other residues from the pretreatment of industrial wastes;

- (N) Any medical wastes, except as specifically authorized by the Manager in an industrial wastewater discharge permit;
- (O) Any wastewater causing the treatment plant's effluent to fail a toxicity test;
- (P) Any wastes containing detergents, surface-active agents, surfactants, or other substances that may cause excessive foaming or scum in the POTW;
- (Q) Any wastes containing fats, oils, or grease (FOG) of animal, vegetable, or mineral origin exceeding one hundred (100) mg/L, except as specifically authorized by the Manager; and
- (R) Any liquids, solids, or gases which by reason of nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Wastewater causing two (2) readings on an explosions hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 5% or any single reading over 10% of the Lower Explosive Limit of the meter.

#### 11. Significant Noncompliance

In accordance with 40 CFR 25 and in the enforcement of National Pretreatment Standards, the Manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the Industrial Users which, during the previous 12 months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. An SIU (or any IU in violation of paragraphs (C), (D), or (H) below) is in Significant Noncompliance if the violation meets or exceeds one or more of the following:

- (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 during a six-month period exceed by any magnitude a numeric Pretreatment Standard or Requirement, including instantaneous discharge limits, as defined by 40 CFR 403.3 (1) and Section 70-87 of the Pretreatment Ordinance;
- (B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all the measurements taken for each pollutant parameter during a six-month period equal or exceed the product of numeric Pretreatment Standard or Requirement, including instantaneous discharge limits, as defined by 40 CFR 403.3 (1) and Section 70-87 of the Pretreatment Ordinance, multiplied by the applicable criteria [1.4 for BOD, TSS; and FOG and 1.2 for all other pollutants except pH];
- (C) Any other violation of a Pretreatment Standard or Requirement, as defined by 40 CFR 403.3 (1) and Section 70-87 of the Pretreatment Ordinance (daily maximum, long-term average, instantaneous discharge limit, or narrative standard) that the Manager determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of CWL personnel and/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 the Manager exercising emergency authority to halt or prevent such a discharge;
- (E) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;



- (F) Failure to provide, within 45 days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G) Failure to accurately report noncompliance; or
- (H) Any other violation(s), which may include a violation of Best Management Practices, which the Manager determines will adversely affect the operation or implementation of the local pretreatment program.

12. Civil and Criminal Penalties and Fines

The Permittee shall be subject to applicable civil and criminal penalties and fines and any applicable compliance schedule for violation of any provision of the Pretreatment Ordinance, Pretreatment Standards and Requirements, and provisions and conditions of this wastewater discharge permit, as provided for by Arkansas State Statutes, the Pretreatment Ordinance, and all applicable CWL regulations. Such compliance schedules may not extend the time for compliance beyond that required by applicable Federal, State, or local law. As established in Sections 70-96 (2-3) of the Pretreatment Ordinance and Sections 70-111 (2-3) of the General Sewer Use Ordinance, as applicable, such civil penalties and criminal fines may not exceed \$1,000.00 per violation per day.

13. Administrative Fines

The Permittee shall be subject to applicable administrative fines for violation of any provision of the Pretreatment Ordinance, Pretreatment Standards and Requirements, and provision and conditions of this wastewater discharge permit. As established in Section 70-95 (6) of the Pretreatment Ordinance and Section 70-110 (6) of the General Sewer Use Ordinance, as applicable, such administrative fines may not exceed \$1,000.00 per each violation, with each day of a continuing violation deemed a separate violation in an amount not to exceed \$500.00 for each day the violation continues. The Manager may add the costs of preparing administrative enforcement action, such as notices and orders, to the fine.

14. Emergency Suspensions

The Manager or Authorized Representative of the Manager may immediately suspend the Permittee's discharge (after informal notice to the Permittee) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent and substantial endangerment to the health or welfare of persons. The Manager or Authorized Representative of the Manager may also immediately suspend the Permittee'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) If notified of a suspension of its discharge, the Permittee shall immediately stop or eliminate its contribution. In the event of the Permittee's failure to immediately and voluntarily comply with the suspension order, the Manager or Authorized Representative of the Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage or endangerment to the POTW, the POTW's receiving stream, or any person. The Manager or Authorized Representative of the Manager shall allow the Permittee to recommence discharging to the POTW when the Permittee has demonstrated to the satisfaction of the Manager that the period of endangerment has passed, unless termination proceedings set forth in Section 70-95 (8) of the Pretreatment Ordinance or Section 70-110 (8) of the General Sewer Use Ordinance, as applicable, are initiated against the Permittee.
- (B) A User that is responsible, in whole or in part, for any discharge presenting imminent and substantial endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Manager



or Authorized Representative of the Manager, prior to the date of any show cause or termination hearing under Sections 70-95 (3) and 70-95 (8) of the Pretreatment Ordinance or Sections 70-110 (3) and 70-110 (8) of the General Sewer Use Ordinance, as applicable.

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

15. Termination of Discharge

In addition to those provisions set forth in Section 70-90 (6) of the Pretreatment Ordinance and Sections 70-107 through 70-109 of the General Sewer Use Ordinance, as applicable, any Industrial User that violates the following conditions as established in Section 70-95 (8) of the Pretreatment Ordinance and Section 70-110 (8) of the General Sewer Use Ordinance, as applicable, wastewater discharge permits, any orders issued thereunder, or any other Pretreatment Standard or Regulation, including but not limited to those conditions listed below, is subject to termination of wastewater discharge:

- (A) Violation of wastewater discharge permit conditions;
- (B) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (C) Failure to report significant changes in operations or wastewater volume, constituents and/or characteristics prior to discharge;
- (D) Refusal of reasonable access to the Permittee's premises for the purpose of inspection, monitoring, and/or sampling; or
- (E) Violation of the Pretreatment Standards set forth in Section 70-87 of the Pretreatment Ordinance and Section 70-108 of the General Sewer Use Ordinance, as applicable.

Such Users in violation will be notified by the Manager or Authorized Representative of the Manager of the proposed termination of its discharge and be offered an opportunity to show cause under Section 70-95 (3) of the Pretreatment Ordinance or Section 70-110 (3) of the General Sewer Use Ordinance, as applicable, why the proposed action should not be taken.

16. Wastewater Discharge Permit Transfer

As provided under Section 70-90 (5) of the Pretreatment Ordinance, wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least thirty (30) days advance notice to the Manager, unless the thirty (30) day period is otherwise waived by the Manager, and the Manager approves the wastewater discharge permit transfer. The notice to the Manager must include a written certification by the new owner and/or operator which:

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

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



17. Permit Revocation

The Manager may revoke wastewater discharge permits for the following reasons:

- (A) Failure to notify the Manager of significant changes to the wastewater prior to the changed discharge;
- (B) Failure to provide prior notification to the Manager of changed conditions pursuant to Section 70-91 (5) of the Pretreatment Ordinance;
- (C) Misrepresentation or failures to fully disclose all relevant facts in the wastewater discharge permit application;
- (D) Falsification of self-monitoring reports and/or certification statements;
- (E) Tampering with monitoring equipment
- (F) Refusal to allow the 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, including any surcharges or capacity charges;
- (J) Failure to meet compliance schedules;
- (K) Failure to complete a wastewater survey or the wastewater discharge permit application, or failure to update such information as required by the Pretreatment Ordinance;
- (L) Failure to provide advance notice of the transfer of a permitted facility; or
- (M) Violation of any Pretreatment Standard or Requirement, any terms of wastewater discharge permit, or the Pretreatment Ordinance.

Unless a transfer is approved in accordance with Section 70-90 (5) of the Pretreatment Ordinance and as described here, wastewater discharge permits shall also be voided and revoked upon an unapproved transfer of facility ownership or following a period of ninety (90) days of disuse or cessation of operations at the facility.

18. Facility Closure Notification

A minimum of ninety (90) days before the closure of a facility or a period of facility disuse of ninety (90) days or more, the Permittee shall notify CWL in writing of the anticipated date of closure, as well as the anticipated date of resumption of facility use, if any, in accordance with Section 70-90 (7) of the Pretreatment Ordinance.

19. Permit Modification

As set forth by Section 70-90 (4) of the Pretreatment Ordinance, the Manager may modify this permit at any time during the permit effective dates for good cause including, but not limited to the following:

- (A) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

- (B) To address significant alterations or additions to the Permittee'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, beneficial sludge use, or the receiving waters;
- (E) Violation of any terms or conditions of the wastewater discharge permit;
- (F) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (G) Revision of Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- (H) To correct typographical or other clerical errors in the wastewater discharge permit; or
- (I) To reflect a transfer of the facility ownership and/or operation to a new owner or operator where request in accordance with Section 70-90 (5) of the Pretreatment Ordinance.

20. Wastewater Discharge Permit Reissuance:

In accordance with Section 70-90 (8) of the Pretreatment Ordinance, a User with an expiring wastewater discharge permit shall apply for the reissuance of a wastewater discharge permit by submitting a complete wastewater discharge permit application, acceptable to the Manager, in accordance with Section 70-89 (5) of the Pretreatment Ordinance, a minimum of sixty (60) days prior to the expiration of the Permittee's existing wastewater discharge permit.

Conditions of this permit will continue in effect past the expiration date pending issuance of a new permit, if:

- (A) The Permittee has submitted a timely and complete application; and
- (B) CWL, through no fault of the Permittee, fails to issue a new permit prior to the expiration of the previous permit.

21. Bypass:

(A) Definitions

- i) "Bypass" means the intentional diversion of waste streams from any portion of an Industrial User's treatment facility.
  - ii) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (B) The Permittee may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if for essential maintenance or to assure efficient operation. These bypasses are not subject to the provisions of Sections 70-98 (3) (C) and (D) of the Pretreatment Ordinance as listed below.



(C) Notification of Bypass

- i) If the Permittee knows in advance of the need for a bypass, the Permittee shall submit prior notice to the Manager, at least ten (10) days before the date of the bypass if possible.
- ii) The Permittee shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Manager within 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 Permittee 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 Manager may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(D) Enforcement Actions Against or Approval of a Bypass

- i) Bypass is prohibited, and the Manager may take enforcement action against the Permittee for a bypass, unless:
  - a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - c) The Permittee submitted notices in accordance with Section 70-98 (3) (C) of the Pretreatment Ordinance.
- ii) The Manager may approve an anticipated bypass, after considering its adverse effects, if such bypass meets the conditions as described in Section 70-98 (3) (D) (i) of the Pretreatment Ordinance.

# ***APPENDIX***





Spill/Slug Control Plan Certification Statement

Based on the inquiry of the person, or persons, directly responsible for managing compliance with the permit limitations, or pretreatment standards for the Accidental or Slug/Spill Discharge Control Plan (SSCP), I certify that this facility is implementing the Accidental or Slug/Spill Discharge Control Plan submitted to CWL.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed Name

\_\_\_\_\_  
Title of Authorized Representative

Corporate Acknowledgement  
State of Arkansas }  
County of: \_\_\_\_\_ }

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_ of \_\_\_\_\_, a corporation, known to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for purposes and considerations therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of this office on the \_\_\_ day of \_\_\_\_\_, 20\_\_.