



1        **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY**  
2 **OF LITTLE ROCK, ARKANSAS:**

3        **Section 1.** The Board of Directors of the City of Little Rock have determined that it is essential that  
4 the Little Rock Water Reclamation Commission have the authority to regulate the use of public and private  
5 sewers in accordance with the provisions contained in Exhibit A attached hereto in order to accomplish the  
6 purposes thereof. Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary  
7 for the immediate preservation of the public health, safety, and welfare, shall be in full force and effect  
8 immediately after its passage and approval.

9        **Section 2. Severability.** In the event any section, subsection, subdivision, paragraph, subparagraph,  
10 item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or  
11 unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this  
12 ordinance, as if such invalid or unconstitutional provision was not originally a part of this ordinance.

13        **Section 3. Repealer.** All ordinances, resolutions, bylaws, and other matters inconsistent with this  
14 ordinance are hereby repealed to the extent of such inconsistency.

15        **Section 4. Emergency Clause.** Unless the provisions of this ordinance are put into effect immediately,  
16 the public health, safety and welfare of the citizens of Little Rock will be adversely affected; therefore, an  
17 emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its  
18 passage.

19 **PASSED: September 3, 2019**

20 **ATTEST:**

**APPROVED:**

21  
22 \_\_\_\_\_  
23 **Susan Langley, City Clerk**

\_\_\_\_\_ **Frank Scott, Jr., Mayor**

24 **APPROVED AS TO LEGAL FORM:**

25  
26 \_\_\_\_\_  
27 **Thomas M. Carpenter, City Attorney**

28 //

29 //

30 //

31 //

32 //

33 //

34 //

35 //

1 **Exhibit A**

2

3 **TABLE OF CONTENTS**

4

5 **SECTION 1 GENERAL PROVISIONS**

6 1.1 Title, Purpose, and Policy

7 1.2 Administration

8 1.3 Abbreviations

9 1.4 Definitions

10 **SECTION 2 GENERAL SEWER USE REQUIREMENTS**

11 2.1 Prohibited Discharge Standards

12 2.2 National Categorical Pretreatment Standards

13 2.3 State Pretreatment Standards

14 2.4 Technically-Based Local Limits

15 2.5 Dilution

16 2.6 Right of Revision

17 2.7 Rules and Regulations

18 **SECTION 3 PRETREATMENT OF WASTEWATER**

19 3.1 Pretreatment Facilities

20 3.2 Additional Pretreatment Measures

21 3.3 Accidental Discharge and Slug Control Plans

22 3.4 Hauled Wastewater

23 **SECTION 4 WASTEWATER DISCHARGE PERMITS**

24 4.1 Wastewater Survey

25 4.2 Permit Requirements

26 4.3 Permitting – Existing Connections

27 4.4 Permitting – New Connections

28 4.5 Application Contents

29 4.6 Application Signatories and Certification

30 **SECTION 5 WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS**

31 5.1 Wastewater Discharge Permit Duration

32 5.2 Wastewater Discharge Permit Contents

33 5.3 Wastewater Discharge Permit Modification

34 5.4 Wastewater Discharge Permit Transfer

35 5.5 Wastewater Discharge Permit Revocation

1	5.6	Voided Permits
2	5.7	Wastewater Discharge Permit Renewal
3	5.8	Regulation of Waste Received from Other Jurisdictions
4	<b>SECTION 6</b>	<b>REPORTING REQUIREMENTS</b>
5	6.1	Baseline Monitoring Reports
6	6.2	Compliance Schedule Progress Reports
7	6.3	Reports on Compliance with Categorical Pretreatment Standard Deadline
8	6.4	Periodic Compliance Reports for Significant Industrial Users
9	6.5	Monthly Self-Monitoring Reports for Categorical Industrial Users
10	6.6	Reports of Changed Conditions
11	6.7	Reports of Potential Problems
12	6.8	Other Reports – Permitted and Unpermitted Users
13	6.9	Sampling and Reporting following Violation
14	6.10	Notification of the Discharge of Hazardous Waste
15	6.11	Analytical Requirements
16	6.12	Sampling and Inspection Manholes
17	6.13	Sample Collection
18	6.14	Timing
19	6.15	Record Keeping
20	<b>SECTION 7</b>	<b>POWER AND AUTHORITY OF INSPECTORS</b>
21	7.1	Right of Entry – Inspection and Sampling
22	7.2	Search Warrants
23	<b>SECTION 8</b>	<b>CONFIDENTIAL INFORMATION</b>
24	<b>SECTION 9</b>	<b>PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE</b>
25	<b>SECTION 10</b>	<b>ADMINISTRATIVE ENFORCEMENT REMEDIES</b>
26	10.1	Noncompliance Incident
27	10.2	Notice of Violation
28	10.3	Consent Orders
29	10.4	Compliance Orders and Schedules
30	10.5	Cease and Desist Orders
31	10.6	Administrative Fines
32	10.7	Show Cause Hearing
33	10.8	Emergency Suspension of Discharge
34	10.9	Termination of Discharge
35	10.10	Termination of Service

1	10.11	Injunctive Relief
2	10.12	Civil Penalties
3	10.13	Criminal Prosecution
4	10.14	Remedies Nonexclusive
5	10.15	Public Nuisances
6	10.16	Payment of Outstanding Fines and Penalties
7	<b>SECTION 11 SUPPLEMENTAL ENVIRONMENTAL PROJECTS</b>	
8	<b>SECTION 12 FINANCIAL ASSURANCE</b>	
9	<b>SECTION 13 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS</b>	
10	13.1	Prohibited Discharge Standards
11	13.2	Upset
12	13.3	Bypass
13	<b>SECTION 14 ADMINISTRATIVE FEES AND EXTRA-STRENGTH SURCHARGE RATES</b>	
14	14.1	Collection of Extra-Strength Surcharges
15	14.2	Computation of Extra-Strength Surcharges
16	14.3	Administrative Fees
17	<b>SECTION 15 SEVERABILITY</b>	
18	<b>SECTION 16 REPEAL OF PRIOR ORDINANCE</b>	
19	<b>SECTION 17 AUTHORITY OF LITTLE ROCK WATER RECLAMATION COMMISSION,</b>	
20	<b>EFFECTIVE DATE, AND DECLARING AN EMERGENCY</b>	
21	//	
22	//	
23	//	
24	//	
25	//	
26	//	
27	//	
28	//	
29	//	
30	//	
31	//	
32	//	
33	//	
34	//	

1 **SECTION 1 - GENERAL PROVISIONS**

2 **1.1 Title, Purpose, and Policy**

3 This ordinance shall be known as "the Pretreatment Ordinance" and sets forth uniform requirements for  
4 Industrial Users of the Publicly Owned Treatment Works for the City of Little Rock and enables Little Rock  
5 Water Reclamation Authority ("LRWRA") to comply with all applicable State and Federal laws, including  
6 the Clean Water Act (33 U.S.C. § 1251 *et seq.*) and Pretreatment Regulations promulgated by the  
7 Environmental Protection Agency (40 C.F.R. Part 403). The objectives of this ordinance are:

- 8 A. To prevent the introduction of pollutants into the Publicly-Owned Treatment Works that will  
9 interfere with its operation, contaminate the resulting biosolids, or interfere with the use and  
10 disposal of wastewater or biosolids in compliance with applicable statutes and regulations;
- 11 B. To prevent the introduction of pollutants into the Publicly-Owned Treatment Works that will  
12 pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters  
13 or otherwise be incompatible with the Publicly-Owned Treatment Works;
- 14 C. To protect both Publicly Owned Treatment Works personnel who may be affected by industrial  
15 wastewaters or sludges in the course of their employment and the general public;
- 16 D. To promote reuse and recycling of wastewater and biosolids from the Publicly-Owned  
17 Treatment Works;
- 18 E. To enable LRWRA to comply with its National Pollutant Discharge Elimination System Permit  
19 conditions, biosolids use and disposal requirements, and any other Federal or State Laws to  
20 which LRWRA is subject.
- 21 F. To promote and encourage pollution prevention, waste minimization, and waste reduction by  
22 Industrial Users prior to their recycling, treatment, or disposal options.

23 This ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance authorizes  
24 the issuance of Wastewater Discharge Permits; provides for monitoring, compliance, and enforcement  
25 activities; establishes administrative review procedures; requires User reporting; and provides for the setting  
26 of such fees as necessary for the equitable distribution of costs resulting from the program established  
27 herein.

28 **1.2 Administration**

29 Except as otherwise provided herein, the CEO shall administer, implement, and enforce the provisions of  
30 this ordinance. Any powers granted to or duties imposed upon the CEO may be delegated by the CEO to  
31 other LRWRA personnel.

32 **1.3 Abbreviations**

33 The following abbreviations, when used in this ordinance, shall have the designated meanings:  
34

ADEQ	Arkansas Department of Environmental Quality
BMP	Best Management Practice
BOD	Biochemical Oxygen Demand
BTEX	Benzene, Toluene, Ethylbenzene, Xylene
C.F.R.	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
EPA	United States Environmental Protection Agency
gpd	gallons per day
IU	Industrial User
LRWRA	Little Rock Water Reclamation Authority
LRWRC	Little Rock Water Reclamation Commission
mg/L	milligrams per liter
NPDES	National Pollutant Discharge Elimination System
O&G	Oil and Grease
POTW	Publicly-Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SNC	Significant Noncompliance
TSS	Total Suspended Solids
U.S.C.	United States Code

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

**1.4 Definitions**

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

Approval Authority. The Arkansas Department of Environmental Quality, or its successor.

Authorized Representative of the Industrial User.

(1) If the Industrial User is a corporation:

- (a) The President, Secretary, Treasurer, or a Vice-President of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- (b) The Manager of one (1) or more manufacturing, production, or operating facilities, provided: the Manager is authorized to make management decisions

1 which govern the operation of the regulated facility, including having the  
2 explicit or implicit duty of making major capital investment recommendations  
3 and can initiate and direct other comprehensive measures to assure long-term  
4 environmental compliance with environmental laws and regulations; the  
5 Manager can ensure that the necessary systems are established or actions taken  
6 to gather complete and accurate information for individual Wastewater  
7 Discharge Permit requirements; and authority to sign documents has been  
8 assigned or delegated to the Manager in accordance with corporate procedures.

- 9 (2) If the Industrial User is a partnership or sole proprietorship: a general partner or  
10 proprietor, respectively.
- 11 (3) If the Industrial User is a Federal, State, or Local Governmental Facility: a Director or  
12 highest official appointed or designated to oversee the operation and performance of  
13 the activities of the government facility, or their designee.
- 14 (4) The individuals described in Paragraphs 1 through 3, above, may designate another  
15 authorized representative if the authorization is in writing, the authorization specifies  
16 the individual or position responsible for the overall operation of the facility from  
17 which the discharge originates or having overall responsibility for environmental  
18 matters for the company, and the written authorization is submitted to the CEO of  
19 LRWRA.

20 Batch Discharge. The discharge of wastewater to a POTW on an intermittent basis.

21 Best Management Practices or BMPs. Means schedules of activities, prohibitions of practices,  
22 maintenance procedures, and other management practices to implement the prohibitions listed in  
23 40 C.F.R. 403.5(a)(1) and (b). BMPs may include, but are not limited to, treatment requirements,  
24 operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste  
25 disposal, or drainage from raw materials storage. BMPs may also include alternative means (i.e.,  
26 management plans) of complying with, or in place of, certain established categorical Pretreatment  
27 Standards and effluent limits.

28 Biochemical Oxygen Demand or BOD. An indirect measure of the concentration of biologically  
29 degradable material present in organic wastes. Also expressed as BOD<sub>5</sub>, It reflects the amount of  
30 oxygen consumed in five (5) days by biological processes breaking down organic waste.

31 Biosolids. Primarily organic solid product produced by wastewater treatment processes that can be  
32 beneficially recycled. Biosolids production and use is regulated pursuant to 40 C.F.R. Part 503.

33 BTEX. The sum of the milligram per liter concentrations of benzene, toluene, ethylbenzene, and  
34 xylene.

35 BTEX Waters. Waters polluted by BTEX substances. Including, but not limited to, waters

1 associated with underground petroleum storage tanks; including water inside the tanks, water  
2 within the excavation pit upon removal of such tanks, or contaminated groundwater in the  
3 immediate vicinity of such a tank.

4 Bypass. The intentional diversion of waste streams from any portion of an Industrial User's  
5 treatment facility.

6 Categorical Pretreatment Standard or Categorical Standard. Standards specifying the quantity,  
7 concentration, or pollutant properties of pollutants that may be discharged to POTWs. EPA  
8 promulgates Pretreatment Standards for specific industry categories in accordance with Section  
9 307 of the Clean Water Act. These standards are codified in 40 C.F.R. Parts 405-471.

10 CEO. The Chief Executive Officer of LRWRA, or a duly authorized representative.

11 Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds,  
12 both organic and inorganic, in water.

13 City. The City of Little Rock, Arkansas.

14 Clean Water Act. The Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.*

15 Combined Wastestream Formula. Procedure for calculating alternative discharge limits at  
16 industrial facilities where a waste stream regulated by a categorical Pretreatment Standard or local  
17 limit is combined before treatment with waste streams other than those subject to the standard or  
18 limit.

19 Commission or LRWRC. Little Rock Water Reclamation Commission.

20 Conventional Pollutant. BOD, TSS, pH, and fecal coliform bacteria, plus any additional pollutants  
21 that the POTW is designed to treat to the degree required by the POTW's NPDES Permit.

22 Composite Sample. A series of individual grab samples collected over a known period of time or  
23 proportional to flow and combined to make one sample.

24 Concentration-Based Limit. A limit based on the relative strength of a pollutant in a waste stream,  
25 usually expressed in milligrams per liter (mg/L).

26 Control Authority. Little Rock Water Reclamation Authority ("LRWRA").

27 Cooling Water. Water discharged from any use such as air conditioning, cooling, or refrigeration,  
28 or to which the only pollutant added is heat.

29 Corrosive Waste. Any and all liquid or waterborne waste or gaseous or solid substance which can  
30 cause actual physical damage or destruction to any public or sanitary sewer or which prevents or  
31 materially retards treatment of sewage in the Sewage Treatment Plant.

32 Daily Maximum Limit. The arithmetic average of all effluent samples for a pollutant collected  
33 during a calendar day.

34 Domestic Waste. Any and all liquid or waterborne waste or gaseous or solid substances that result  
35 from household waste, as is common to residential areas such as home laundry, bathing, and/or

1 kitchen waste.

2 Enforcement Response Plan. Step-by-step enforcement procedures developed and followed by  
3 POTW personnel to identify, document, and respond to violations by Industrial Users.

4 Environmental Protection Agency, or EPA. The United States Environmental Protection Agency  
5 or, where appropriate, the Regional Water Management Division Director, or other duly authorized  
6 official of said agency.

7 Existing Source. Any source of discharge, the construction or operation of which commenced prior  
8 to the publication by EPA of proposed categorical Pretreatment Standards, which will be applicable  
9 to such source if the standard is thereafter promulgated in accordance with Section 307 of the Clean  
10 Water Act.

11 Extra Strength Surcharge or Surcharge. The additional monthly sewer charge assessed to persons  
12 discharging wastewater exceeding the average domestic concentrations for BOD, COD, TSS,  
13 and/or Oil and Grease. The surcharge is based on the pounds of pollutant discharged and reflects  
14 the additional cost of treating high strength discharges.

15 Garbage. The solid wastes from the domestic and commercial preparation, cooking and disposing  
16 of food, and from the handling, storage, and sale of produce.

17 Grab Sample. A sample which is taken from a waste stream without regard to the flow in the waste  
18 stream and over a period of time not to exceed fifteen (15) minutes.

19 Hazardous Waste. Any liquid, semi-liquid or solid waste or combination of wastes which, because  
20 of its quantity, concentration, physical, chemical or infectious characteristics may exhibit any of  
21 the following:

- 22 (1) Toxic, corrosive, irritant or strong sensitizer, flammable or combustible, explosive or  
23 otherwise capable of causing substantial personal injury or illness; or
- 24 (2) Pose a substantial hazard to human health or the environment when improperly treated,  
25 stored, transported, or disposed of, or otherwise improperly managed; or is identified  
26 or listed as a hazardous waste as defined by the Arkansas Hazardous Waste  
27 Management Act, Ark. Code Ann. § 8-7-203(7) or Resource Conservation and  
28 Recovery Act (RCRA), Subtitle C, 42 U.S.C. § 6921 *et seq.*

29 Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-  
30 domestic source regulated under Section 307(b), (c), or (d) of the Clean Water Act.

31 Industrial User or User. A source of indirect discharge.

32 Interference. A discharge, which alone or in conjunction with a discharge or discharges from other  
33 sources: 1) inhibits or disrupts the POTW, its treatment processes or operations or its biosolids  
34 processes, use or disposal; or 2) is a cause of a violation of any requirement of the POTW's NPDES  
35 Permit (including an increase in the magnitude or duration of a violation) or of the prevention of

1 biosolids use or disposal in compliance with any applicable statutes or regulations, or permits issued  
2 thereunder, or any more stringent State or local regulations.

3 Landfill Leachate. Those waters collected from the underdrainage collection system of a sanitary  
4 landfill.

5 Liquid Waste. Liquid, waterborne, gaseous, or solid substances derived from a chemical or portable  
6 toilet, or septage.

7 Local Limit. Specific discharge limits developed and enforced by LRWRA to implement the  
8 general and specific discharge prohibitions listed in 40 C.F.R. § 403.5(a)(1) and (b).

9 Maximum Allowable Discharge Limit. The maximum amount of a pollutant (either in  
10 concentration or mass) that is allowed to be discharged to the POTW

11 Medical Waste. Including, but not limited to, isolation wastes, infectious agents, human blood and  
12 blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes,  
13 potentially contaminated laboratory wastes, dialysis wastes, pharmaceutical medications, and  
14 wastes containing radioactive isotopes.

15 New Source.

16 (1) Any building, structure, facility, or installation from which there is (or may be) a  
17 discharge of pollutants, the construction of which commenced after the publication of  
18 proposed Pretreatment Standards under Section 307(c) of the Clean Water Act which  
19 will be applicable to such source if such standards are thereafter promulgated in  
20 accordance with that section, provided that:

21 (a) The building, structure, facility, or installation is constructed at a site at which  
22 no other source is located; or

23 (b) The building, structure, facility, or installation totally replaces the process or  
24 production equipment that causes the discharge of pollutants at an existing  
25 source; or

26 (c) The production or wastewater generating processes of the building, structure,  
27 facility, or installation are substantially independent of an existing source at the  
28 same site. In determining whether these are substantially independent, factors  
29 such as the extent to which the new facility is integrated with the existing plant,  
30 and the extent to which the new facility is engaged in the same general type of  
31 activity as the existing source, should be considered.

32 (2) Construction on a site at which an existing source is located results in a modification  
33 rather than a new source if the construction does not create a new building, structure,  
34 facility, or installation meeting the criteria of Sections (1)(b) or (c) above but otherwise  
35 alters, replaces, or adds to existing process or production equipment.

1 (3) Construction of a new source as defined under this paragraph has commenced if the  
2 owner or operator has:

3 (a) Begun, or caused to begin, as part of a continuous on-site construction  
4 program:

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

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

10 (b) Entered into a binding contractual obligation for the purchase of facilities or  
11 equipment which are intended to be used in its operation within a reasonable  
12 time. Options to purchase or contracts which can be terminated or modified  
13 without substantial loss, and contracts for feasibility, engineering, and design  
14 studies do not constitute a contractual obligation under this paragraph.

15 Noncontact Cooling Water. Water used for cooling which does not come into direct contact with  
16 any raw material, intermediate product, waste product, or finished product.

17 Nonsignificant Categorical Industrial User. An Industrial User subject to categorical Pretreatment  
18 Standards under 40 C.F.R. 403.6 and Parts 405-471, that the POTW has determined is exempt from  
19 the definition of Significant Industrial User on a finding that the Industrial User never discharges  
20 more than 100 gpd of total categorical wastewater (excluding sanitary, noncontact cooling and  
21 boiler blowdown wastewater, unless specifically included in the Pretreatment Standard). The  
22 Industrial User must also meet the following conditions:

23 (1) The Industrial User, before the POTW's finding, has consistently complied with all  
24 applicable categorical Pretreatment Standards and requirements;

25 (2) The Industrial User annually submits the certification statement required in 40  
26 C.F.R. 403.12(q) together with any additional information necessary to support the  
27 certification statement; and

28 (3) The Industrial User never discharges any untreated concentrated wastewater.

29 Oil and Grease or O&G. A group of substances with similar physical characteristics determined  
30 quantitatively on the basis of their common solubility in an organic extracting solvent. These  
31 substances including fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils, and  
32 certain other non-fatty materials. It includes other materials recovered by the solvent from an  
33 acidified sample (such as sulfur compounds, certain organic dyes, and chlorophyll) and not  
34 volatilized during the test. At the discretion of the CEO, the Oil and Grease test may be determined  
35 by the latest approved listing in 40 C.F.R. Part 136.

1 Owner or Operator. Any person who has the primary management and ultimate decision-making  
2 responsibility over the operation of a facility or activity. The owner or operator is responsible for  
3 ensuring compliance with all applicable environmental regulations and conditions.

4 Pass Through. A discharge which exits the POTW into waters of the United States in quantities or  
5 concentrations which, alone or in conjunction with a discharge or discharges from other sources, is  
6 a cause of a violation of any requirement of the POTW's NPDES Permit, including an increase in  
7 the magnitude or duration of a violation.

8 Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint  
9 stock company, trust, estate, governmental entity, or any other legal entity; or their legal  
10 representatives, agents, or assigns. This definition includes all Federal, State, and local  
11 governmental entities.

12 pH. A measure of the hydrogen-ion concentration in a solution, expressed in standard units as the  
13 logarithm (base ten) of the reciprocal of the hydrogen-ion concentration in gram moles per liter  
14 (g/mole/L). On the pH scale (0 to 14), a value of 7 at 25°C (77°F) represents a neutral condition.  
15 Decreasing values indicate increasing hydrogen-ion concentration (acidity); increasing values  
16 indicate decreasing hydrogen-ion concentration (alkalinity).

17 Pharmaceutical Drug. Any chemical substance intended for use in the medical diagnosis, cure,  
18 treatment, or prevention of disease, whether prescribed or sold “over the counter,” or unused or  
19 expired.

20 Pollutant. A contaminant or other substance likely to render receiving waters harmful, detrimental,  
21 or injurious to public health, safety, or welfare; including, but not limited to, dredged spoil, solid  
22 waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical  
23 wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded  
24 equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain  
25 characteristics of wastewater (e.g., TSS, turbidity, color, BOD, COD, cyanide, oil & grease, heavy  
26 metals, toxicity, or odor).

27 POTW Water Reclamation Facility. That portion of the Publicly-Owned Treatment Works  
28 (POTW) designed to provide treatment to wastewater.

29 Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the  
30 alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such  
31 pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or  
32 biological processes; by process changes; or by other means, except by diluting the concentration  
33 of the pollutants unless allowed by an applicable Pretreatment Standard.

34 Pretreatment Program. LRWRA’s EPA and/or Arkansas Department of Environmental Quality  
35 approved program to administer the requirements of 40 C.F.R. 403, the General Pretreatment

1 Regulations, and associated National Categorical Standards, as adopted into Arkansas Pollution  
2 Control and Ecology Commission Regulation No. 6, Regulations for State Administration of the  
3 National Pollutant Discharge Elimination System.

4 Pretreatment Requirement. Any substantive or procedural requirement related to Pretreatment,  
5 other than a National Pretreatment Standard, imposed on an Industrial User.

6 Pretreatment Standards. For any specified pollutant, LRWRA prohibitive standards, LRWRA  
7 Technically-Based Local Limits, State of Arkansas Pretreatment Standards, or EPA's Categorical  
8 Pretreatment Standards, whichever Standard is appropriate or most stringent.

9 Process Wastewater. Any water that, during manufacturing or processing by an Industrial User,  
10 comes into contact with or results from the production or use of any raw material, intermediate  
11 product, finished product, by product, or waste product.

12 Publicly-Owned Treatment Works or POTW. Treatment works owned or operated by the City of  
13 Little Rock.

14 Receiving Water. For purposes of this ordinance, receiving water shall include treatment works  
15 and waters receiving final effluent from treatment plants.

16 Representative Sample. A sample from a waste stream that is as nearly identical as possible in  
17 composition to that in the larger volume of wastewater being discharged and is typical of the  
18 discharge from the Industrial User on a normal operating day.

19 Sampling/Inspection Manhole. An approved access point to a building sewer which is used for the  
20 purpose of collecting a wastewater sample.

21 Sanitary Sewer. A sewer in which sewage is carried, and to which storm, surface, and ground water  
22 are not intentionally admitted.

23 Secure Sample Point. Any access point to a building sewer which is used for the purpose of  
24 collecting a wastewater sample where LRWRA is required to maintain custody of the sample and  
25 can be secured via approved structure by LRWRA.

26 Septic Tank Waste. Any domestic sewage from holding tanks such as vessels, campers, trailers,  
27 and septic tanks.

28 Sewage. The spent or used water of a community or industry containing dissolved and suspended  
29 matter.

30 Sewer. A pipe or conduit for carrying sewage.

31 Sewer Rate Ordinance. City of Little Rock Ordinance No. 20,594, or any ordinance adopted by  
32 the City of Little Rock Board of Directors for the purpose of establishing a schedule of sewer rates  
33 and charges for discharges to the POTW by Industrial Users.

34 Significant Industrial User.

35 (1) An Industrial User subject to categorical Pretreatment Standard; or

1 (2) An Industrial User that:

2 (a) Discharges an average of 25,000 gpd or more of process wastewater to the  
3 POTW (excluding sanitary, noncontact cooling, and boiler blow down  
4 wastewater);

5 (b) Contributes a process waste stream which makes up 5% or more of the average  
6 dry weather hydraulic or organic capacity of the POTW Treatment Plant; or,

7 (c) Is designated as such by the CEO on the basis that it has a reasonable potential  
8 for adversely affecting the POTW's operation or for violating any Pretreatment  
9 Standard or Requirement.

10 Sludge. Semi-solid slurry produced by industrial processes including, but not limited to,  
11 pretreatment of industrial wastewater. This term is used in this ordinance to distinguish sludges  
12 produced by Industrial Users from biosolids created by the POTW.

13 Slug Load or Slug Discharge. Any discharge at a flow rate or pollutant concentration which could  
14 cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance. A slug  
15 discharge is any discharge of a non-routine, episodic nature, including but not limited to, an  
16 accidental spill or a non-customary batch discharge which has a reasonable potential to cause  
17 interference or pass through, or in any way violate the POTW's regulations, local limits or permit  
18 conditions.

19 Standard Industrial Classification (SIC) Code. A classification pursuant to the *North American*  
20 *Industry Classification System - United States, (1997)* issued by the United States Office of  
21 Management and Budget's Economic Classification Policy Committee.

22 State. The State of Arkansas.

23 Stormwater. Any flow occurring during or following any form of natural precipitation, and  
24 resulting from such precipitation, including snow melt.

25 Total Suspended Solids or TSS. The total suspended solids are wastewater residues removed by  
26 laboratory filtering and retained on a standard glass-fiber filter with a nominal pore size of 2.0 µm  
27 (or smaller) and dried to a constant weight at a temperature of 103° - 105° centigrade.

28 Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations  
29 promulgated by the EPA under the provisions of the Section 307(a) of the Clean Water Act or other  
30 statutes and regulations.

31 Treatment Works. Any devices or systems used in the storage, treatment, recycling, and  
32 reclamation of municipal sewage or industrial wastes of a liquid nature, or necessary to recycle or  
33 reuse water at the most economical cost over the estimated life of the works, including intercepting  
34 sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their  
35 appurtenances; extensions, improvements, remodeling, additions, and alterations thereof.

1 Upset. An exceptional incident in which a Industrial User unintentionally and temporarily is in a  
2 state of noncompliance with the standards set forth in this ordinance or the Industrial User's  
3 Industrial Wastewater Discharge Permit, due to forces beyond the reasonable control of the  
4 Industrial User, and excluding noncompliance to the extent caused by operational error, improperly  
5 designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or  
6 careless or improper operation thereof.

7 Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings,  
8 commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or  
9 untreated, which are contributed to the POTW.

## 10 **SECTION 2 - GENERAL SEWER USE REQUIREMENTS**

### 11 **2.1 Prohibited Discharge Standards**

12 A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any  
13 pollutant or wastewater which causes pass through or interference, or in any way contaminates  
14 the POTW effluent, biosolids, scum, or residues to such a level as to render them unacceptable  
15 for economical reuse or reclamation. These general prohibitions apply to all Users of the POTW  
16 regardless of whether they are subject to categorical Pretreatment Standards or any other  
17 National, State, or local Pretreatment Standards or Requirements.

18 B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the  
19 following pollutants, substances, or wastewater:

- 20 (1) Liquids, solids, or gases which by reason of their nature and quantity are, or may be,  
21 sufficient either alone or by interaction with other substances to cause a fire or  
22 explosion hazard or be injurious in any other way to the POTW or the operation of the  
23 POTW. Such materials include, but are not limited to, gasoline, diesel, benzene,  
24 naphtha, fuel oils, kerosene, toluene, xylene, ethers, alcohols, ketones, aldehydes,  
25 peroxides, chlorates, perchlorates, bromates, carbides, hydrides, or sulfides, or any  
26 waste stream with a closed cup flash point of less than 140 degrees Fahrenheit or 60  
27 degrees Centigrade using the test methods specified in 40 C.F.R. 261.21;
- 28 (2) Water or wastes having a pH lower than 5.0 S.U. or greater than 12.0 S.U. or having any  
29 other corrosive property capable of causing damage or a hazard to the structures,  
30 equipment, and personnel of the POTW. In no case shall waters or wastes be discharged  
31 at such a flow rate and/or pH which will cause the influent at the POTW treatment plant  
32 to be lower than 6.0 S.U. or greater than 9.0 S.U.;
- 33 (3) Solid or viscous substances in quantities or of such size capable of creating a stoppage,  
34 plugging, breakage, or any reduction in sewer capacity or any other damage to the  
35 POTW such as, but not limited to, commercial food service oil and grease, ashes,

1 cinders, sand, plastic, wood, un-ground garbage, whole blood, hair and fleshings,  
2 entrails, and paper dishes, cups, milk containers, etc. Any additional sewer or sewerage  
3 maintenance expenses caused by such a discharge, or any other expenses attributable  
4 thereto will be charged to the User by LRWRA. Any refusal to pay the additional  
5 maintenance expense duly authorized by the CEO shall constitute a violation of the  
6 provisions contained herein;

- 7 (4) Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), released in a  
8 discharge at a flow rate and/or pollutant concentration which, either singly or by  
9 interaction with other pollutants, will cause interference, upset, or loss of efficiency at  
10 POTW. In no case shall a slug load have a flow rate or contain a concentration or  
11 quantity of pollutants that exceed for any time period longer than fifteen (15) minutes  
12 more than five (5) times the average twenty-four (24)-hour concentration, quantity, or  
13 flow during normal operation of the User;
- 14 (5) Waters, wastes, or vapors discharged at such a volume or temperature which will  
15 inhibit biological activity in the treatment plant resulting in interference, but in no case  
16 any such waters or wastes which will cause the POTW influent or pumping station  
17 wetwell temperature to exceed 140 degrees Fahrenheit (40 degrees Centigrade). Any  
18 liquid or vapor having a temperature higher than 130 degrees Fahrenheit (54.4 degrees  
19 Centigrade) at the point of discharge;
- 20 (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in  
21 amounts that will cause interference or pass through;
- 22 (7) Waters or wastes containing toxic or poisonous solids, liquids, or gases, or oxygen  
23 demanding wastes, in sufficient quantity, either singly or by interaction with other  
24 wastes to injure or cause interference with any sewage treatment process, to  
25 contaminate the POTW effluent, biosolids, scum, or residue to such a level to render  
26 them unacceptable for economical reuse or reclamation, to pass through the POTW and  
27 cause a violation of the POTW's NPDES Permit or create a toxic effect in the receiving  
28 stream, to cause a public nuisance, or to constitute a hazard or an acute health or safety  
29 problem to the POTW workers or the public;
- 30 (8) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly  
31 or by interaction with other wastes, are sufficient to create a public nuisance or a hazard  
32 to life, or to prevent entry into the sewers for maintenance or repair;
- 33 (9) Wastewater which imparts color which cannot be removed by the treatment process,  
34 such as, but not limited to, dye wastes and vegetable tanning solutions, which  
35 consequently imparts color to the treatment plant's effluent, thereby violating the

1 NPDES Permit;

- 2 (10) Unusual concentrations of inert suspended solids such as, but not limited to, Fuller  
3 earth, lime slurries, and lime residues, or dissolved solids such as, but not limited to,  
4 sodium chloride and sodium sulfate.
- 5 (11) Wastewater containing any radioactive wastes or isotopes except in compliance with  
6 applicable State or Federal Regulations;
- 7 (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface  
8 drainage, swimming pool drainage, condensate, de-ionized water, noncontact cooling  
9 water, and unpolluted wastewater;
- 10 (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- 11 (14) Medical wastes including, but not limited to, any pharmaceutical drugs, whether  
12 unused or expired;
- 13 (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's  
14 effluent to fail a toxicity test;
- 15 (16) Detergents, surfactants, or other substances which may cause excessive foaming in the  
16 POTW;
- 17 (17) Wastewater causing two successive readings on an explosion hazard meter at the point  
18 of discharge into the POTW, or at any point in the POTW, of more than 10% or any  
19 single reading over 20% of the Lower Explosive Limit of the meter;
- 20 (18) Hauled or trucked liquid wastes, except at the specific discharge point(s) designated by  
21 LRWRA;
- 22 (19) Hazardous wastes, except as approved by the CEO in accordance with this ordinance;
- 23 (20) Wastewaters or leachates generated from the remediation of hazardous or non-  
24 hazardous sites, except as approved by the CEO and in accordance with this ordinance;  
25 or
- 26 (21) Any material into the POTW, except as approved by the CEO and in accordance with  
27 this ordinance.

28 Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a  
29 manner that they could be discharged to the POTW.

## 30 **2.2 National Categorical Pretreatment Standards**

31 The Categorical Pretreatment Standards found at 40 C.F.R. Parts 405-471 are hereby incorporated by  
32 reference. Those standards, if more stringent than the limitations imposed by the latest “Technically Based  
33 Local Limits Development Document” and approved by the Approval Authority for sources in that sub-  
34 category, shall supersede the limitations imposed by the Local Limits.

- 35 A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the

1 concentration of a pollutant in wastewater, the CEO may impose equivalent concentration or  
2 mass limits in accordance with 40 C.F.R. 403.6(c).

3 B. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of  
4 pollutant per unit of production, the CEO may convert the limits to equivalent limitations  
5 expressed either as mass of pollutant discharged per day or effluent concentration for purposes  
6 of calculating effluent limitations applicable to individual Industrial Users, in accordance with  
7 40 C.F.R. 403.6(c)(2).

8 C. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not  
9 regulated by the same standard, the CEO shall impose an alternate limit using the combined  
10 waste stream formula in 40 C.F.R. 403.6(e).

### 11 **2.3 State Pretreatment Standards**

12 State Pretreatment Standards established in Arkansas Pollution Control and Ecology Commission  
13 Regulation No. 6, Regulations for State Administration of the National Pollutant Discharge Elimination  
14 System, are hereby incorporated by reference and will be imposed where applicable and shall include, but  
15 are not limited to, discharge limitations and reporting requirements. If such Standards for a particular  
16 industrial subcategory are more stringent than the requirements of this ordinance, those Standards shall  
17 supersede the requirements of this ordinance. This shall include those regulations currently promulgated or  
18 which will be promulgated in the future, including any amendments, and shall be recognized as part of this  
19 ordinance.

### 20 **2.4 Technically-Based Local Limits**

21 A. No person shall discharge any waters or wastes at a concentration that would exceed the  
22 concentration of pollutants identified in the “Technically Based Local Limits Development  
23 Document,” as adopted by the CEO and approved by the Approval Authority.

24 B. LRWRA will develop and assign specific discharge permit limitations, or Best Management  
25 Practices (BMPs) when deemed appropriate by the CEO, for pollutants for permitted Users  
26 based on criteria approved by the CEO. The specific permit limits or BMPs shall ensure that  
27 Local Limit pollutant concentrations will protect the wastewater treatment plant from upset. The  
28 Local Limits shall apply to the total flow or total process discharge from the Industrial User.  
29 In developing specific permit limits, the CEO may impose mass limitations in addition to, or in  
30 place of, specific concentration-based limits. In addition, LRWRA may develop specific  
31 discharge limitations or BMPs for any other toxic pollutants which the CEO of LRWRA may  
32 determine to be of sufficient quantity to cause POTW interference or pass through, endanger  
33 the health and safety of the POTW personnel or public health, cause a POTW Permit violation,  
34 or render the POTW biosolids unacceptable for economic reuse or reclamation.

35 C. The CEO may develop BMPs, by ordinance or in individual wastewaters or general permits, to

1 implement Local Limits and the requirements of Section 2.1 of this ordinance.

2 **2.5 Dilution**

3 No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial  
4 or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless  
5 expressly authorized by an applicable Pretreatment Standard or Requirement. The CEO may impose mass  
6 limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in  
7 other cases when the imposition of mass limitations is appropriate.

8 **2.6 Right of Revision**

9 LRWRA shall at all times have the right to establish, by ordinance or in individual Wastewater Discharge  
10 Permits, more stringent standards or requirements on discharges to the POTW, consistent with the purpose  
11 of this ordinance, than may be specified in this ordinance or the “Technically Based Local Limits  
12 Document.”

13 **2.7 Rules and Regulations**

14 In addition to the provisions of this ordinance, the Little Rock Water Reclamation Commission is  
15 specifically authorized to make such other reasonable rules and regulations for the construction, use, and  
16 operation of sanitary sewers to be connected to, or connecting into, the mains of the Little Rock Water  
17 Reclamation Authority System. Such rules and regulations so made and adopted at a regular meeting of the  
18 Commission shall become effective as follows:

- 19 A. A public notice of intent to enact and intention of proposed rules and regulations shall be placed  
20 in a daily newspaper in the City of Little Rock, Arkansas, one (1)-day for each of two (2)  
21 successive weeks with a brief summary of the proposed rules and regulations.
- 22 B. The proposed rules and regulations shall be available for public inspection and reproduction at  
23 the office of the CEO of Little Rock Water Reclamation Authority for thirty (30) days following  
24 the first publication of the public notice.
- 25 C. A correct copy of those rules and regulations shall be filed for permanent record with the City  
26 Clerk of the City of Little Rock together with any written objections to the proposed rules and  
27 regulations at the end of the thirty (30)-day public review period.
- 28 D. Said rules and regulations shall become effective on the filing of said copy for permanent  
29 record with the City Clerk.

30 **SECTION 3 - PRETREATMENT OF WASTEWATER**

31 **3.1 Pretreatment Facilities**

32 Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve  
33 compliance with all Categorical Pretreatment Standards, Local Limits, and the prohibitions set out in  
34 Section 2.1 of this ordinance within the time limitations specified by EPA, the State, or the CEO, whichever  
35 is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at

1 the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to  
2 the CEO for review and shall be acceptable to the CEO before such facilities are constructed. The review  
3 of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying  
4 such facilities as necessary to produce a discharge acceptable to LRWRA under the provisions of this  
5 ordinance.

### 6 **3.2 Additional Pretreatment Measures**

- 7 A. If any waters or wastes which are discharged or which are to be discharged into the public  
8 sewers contain or possess any of the characteristics enumerated in Section 2.1(A), 2.1(B), 2.4,  
9 or 14.1 of this ordinance and, in the judgment of the CEO, may have a deleterious effect upon  
10 the sewage works, processes, equipment, biosolids, or receiving waters, or which otherwise  
11 creates a hazard to life or constitutes a public nuisance, the CEO may: (a) reject the wastes; (b)  
12 require pretreatment to an acceptable condition for discharge to the public sewer; or (c) require  
13 control over the quantities and rate of discharge.
- 14 B. If the CEO requires the pretreatment or equalization of waste flows, the design and installation  
15 of all treatment facilities and equipment shall be subject to the review and approval of the CEO  
16 and subject to all applicable codes, ordinances, and laws. Where pretreatment or flow  
17 equalization facilities are provided for any waters or wastes, they shall be continuously  
18 maintained in satisfactory and effective operation by the owner or occupant at his own expense.
- 19 C. Whenever deemed necessary, the CEO may require Users to restrict their discharge during peak  
20 flow periods, designate that certain wastewater be discharged only into specific sewers, relocate  
21 and/or consolidate points of discharge, separate sewage wastestreams from industrial  
22 wastestreams, and such other conditions as may be necessary to protect the POTW and  
23 determine the User's compliance with the requirements of this ordinance.
- 24 D. The CEO may require any person discharging into the POTW to install and maintain, on their  
25 property and at their expense, a suitable storage and flow-control facility to ensure equalization  
26 of flow. A Wastewater Discharge Permit may be issued solely for flow equalization.
- 27 E. Grease, oil, and sand interceptors shall be provided when, in the opinion of the CEO, they are  
28 necessary for the proper handling of wastewater containing excessive amounts of grease and  
29 oil, any flammable wastes, or sand, except that such interceptors shall not be required for  
30 residential Users. All interception units shall be of a type and capacity approved by the CEO  
31 and shall be so located to be easily accessible for cleaning and inspection. Such interceptors  
32 shall be inspected, cleaned, and repaired regularly, as needed, by the User at their expense.  
33 Storage, handling, transportation, and disposal of all wastes generated from such interceptors  
34 shall be performed in accordance with all applicable Federal, State, and local regulations that  
35 pertain to that type or class of waste.

1 F. Users with the potential to discharge flammable substances may be required to install and  
2 maintain an approved combustible gas detection meter.

3 G. Whenever deemed necessary, the CEO may require the Pretreatment System Operator(s) to be  
4 licensed in accordance with the Arkansas Pollution Control and Ecology Commission  
5 Regulation No. 3, Licensing of Wastewater Treatment Plant Operators, for the operation of  
6 industrial wastewater treatment systems.

### 7 **3.3 Accidental Discharge and Slug Control Plans**

8 The CEO shall evaluate whether each Significant Industrial User needs an accidental discharge/slug control  
9 plan or other action to control slug discharges. The CEO may require any User to develop, submit for  
10 approval, and implement such a plan or take such other action that may be necessary to control slug  
11 discharges. Alternatively, the CEO may develop such a plan for any User. An accidental discharge/slug  
12 control plan shall address, at a minimum, the following:

- 13 A. Description of discharge practices, including non-routine batch discharges;
- 14 B. Description of stored chemicals;
- 15 C. Procedures for immediately notifying the CEO of any accidental or slug discharge, as required  
16 by Section 6.7 of this ordinance; and
- 17 D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures  
18 include, but are not limited to, inspection and maintenance of storage areas, handling and  
19 transfer of materials, loading and unloading operations, control of plant site runoff, worker  
20 training, building of containment structures or equipment, measures for containing toxic  
21 organic pollutants, including solvents, or measures and equipment for emergency response.

### 22 **3.4 Hauled Wastewater**

- 23 A. Septic tank waste originating from domestic sources may be introduced into the POTW only at  
24 locations designated by the CEO, and at such times as are established by the CEO. Such waste  
25 shall not violate Section 2 of this ordinance or any other requirements established by the CEO.  
26 The CEO may require septic tank waste haulers to obtain Wastewater Discharge Permits.
- 27 B. Other hauled liquid wastes may be introduced into the POTW, with prior approval of the CEO.  
28 These other wastes may include, but are not limited to, landfill leachate and waters associated  
29 with the removal of underground petroleum storage tanks (BTEX Waters). The acceptance of  
30 such waters for introduction to the POTW shall comply with this ordinance and LRWRA  
31 policies and procedures for the acceptance of landfill leachate and BTEX.
- 32 C. The CEO may require haulers of industrial waste to obtain individual or general Wastewater  
33 Discharge Permits. The CEO also may prohibit the disposal of hauled industrial waste. The  
34 discharge of hauled industrial waste is subject to all other requirements of this ordinance.
- 35 D. Industrial waste haulers may discharge loads only at locations designated by the CEO. No load

1 may be discharged without prior consent of the CEO. The CEO may collect samples of each  
2 hauled load to ensure compliance with applicable Standards. The CEO may require the industrial  
3 waste hauler to provide a waste analysis of any load prior to discharge.

4 E. The CEO shall require all haulers of liquid wastes discharged into the POTW to use the  
5 LRWRA manifest system for each load of hauled liquid waste. This form must contain, at a  
6 minimum, the name and address of the waste hauler, permit number, truck identification, names  
7 and addresses of sources of waste, and volume and characteristics of waste. The form shall  
8 identify the type of waste and state whether any wastes are RCRA hazardous wastes.

9 F. Except as approved and designated by LRWRA, Haulers of waste materials removed from  
10 grease interceptors, solids traps or other such devices shall not discharge any material retained  
11 by such devices back into the Sanitary Sewer Collection System.

## 12 **SECTION 4 - WASTEWATER DISCHARGE PERMITS**

### 13 **4.1 Wastewater Survey**

14 When requested by the CEO, all Industrial Users must submit information on the nature and  
15 characteristics of their wastewater by completing a wastewater survey prior to commencing their  
16 discharge. The CEO is authorized to prepare a form for this purpose and may periodically require  
17 Industrial Users to update the survey. Failure to complete this survey shall be reasonable grounds for  
18 denying or terminating service to the Industrial User and shall be considered a violation of this  
19 ordinance.

### 20 **4.2 Permit Requirements**

21 A. No Significant Industrial User shall discharge wastewater into the POTW without first  
22 obtaining an individual Wastewater Discharge Permit from the CEO, except that a Significant  
23 Industrial User that has filed a timely application pursuant to Section 4.3 of this ordinance may  
24 continue to discharge for the time period specified therein.

25 B. The CEO may also require any other Industrial Users to obtain Wastewater Discharge Permits  
26 as necessary to carry out the purposes of this ordinance.

27 C. Any violation of the terms and conditions of a Wastewater Discharge Permit shall be deemed a  
28 violation of this ordinance and subjects the Industrial User to the sanctions set out in Sections  
29 10 through 12 of this ordinance. Obtaining a Wastewater Discharge Permit does not relieve a  
30 permittee of its obligation to comply with all Federal and State Pretreatment Standards or  
31 requirements or with any other requirements of Federal, State, and Local Law.

### 32 **4.3 Permitting – Existing Connections**

33 Any existing Industrial User identified by LRWRA and required by the CEO to obtain an Industrial  
34 Wastewater Discharge Permit shall be notified by the CEO in writing and shall complete and return an  
35 Industrial Wastewater Discharge Permit Application within the time established by the CEO. The CEO may

1 deny or condition the discharge of pollutants by such Industrial User in the Industrial Wastewater Discharge  
2 Permit.

#### 3 **4.4 Permitting – New Connections**

4 Any Industrial User required by the CEO to obtain an individual Wastewater Discharge Permit or a General  
5 Permit who proposes to begin or recommence discharging industrial wastes into the POTW must obtain a  
6 Discharge Permit prior to the beginning or recommencing of such discharge. An application for this  
7 Wastewater Discharge Permit must be filed at least ninety (90) days prior to the date upon which any  
8 discharge will begin or recommence. The CEO may deny or condition the discharge of pollutants by such  
9 Industrial User in the Industrial Wastewater Discharge Permit.

#### 10 **4.5 Application Contents**

11 All Industrial Users required to obtain an individual Wastewater Discharge Permit or general permit by the  
12 CEO shall submit an Industrial Wastewater Discharge Permit Application to LRWRA, using the form(s)  
13 provided by LRWRA. The information required in the Permit Application shall include, but is not limited  
14 to:

- 15 A. Name, address, and location of the Industrial User and the name of the operator and owner with  
16 contact information.
- 17 B. Standard Industrial Classification Number (SIC Code).
- 18 C. North American Industry Classification System (NAICS Code)
- 19 D. The nature and concentrations of any pollutants or materials prohibited or regulated by this  
20 ordinance, including the EPA's Priority Pollutant Listing for each pollutant or material.
- 21 E. The time of day and duration of each discharge.
- 22 F. The average daily and maximum daily flow rates including any daily, monthly, or seasonal  
23 variations. Information showing the measured average daily and maximum daily flow, in  
24 gallons per day, to the POTW from regulated process streams and other streams, as necessary,  
25 to allow use of the combined waste stream formula set out in Section 2.2(C) of this ordinance  
26 (40 C.F.R. 403.6(e)).
- 27 G. Site plans and details showing all plumbing including storm and sanitary sewers, sewer  
28 connections, manholes, and sampling/inspection manholes; the location and description of any  
29 pretreatment equipment; and the appropriate location for monitoring all wastes covered by the  
30 permit.
- 31 H. A description of facilities, activities, and plant processes including all materials which are or  
32 may be discharged to the POTW.
- 33 I. A list of all raw materials used at the facility including SDS (Safety Data Sheets) for all  
34 chemicals that are used or stored at the facility which are, or could accidentally or intentionally  
35 be, discharged to the POTW.

- 1 J. Compliance schedules, where applicable and which meet the applicable requirements of 40  
2 C.F.R. 403.8(f)(1)(iv).
- 3 K. Any other information as may be deemed necessary by the CEO to evaluate the Wastewater  
4 Discharge Permit application.
- 5 L. A list of all environmental control permits for the facility.
- 6 M. Measurement of Pollutants.
- 7 (1) The Categorical Pretreatment Standards applicable to each regulated process and any  
8 new categorically regulated processes for existing sources.
- 9 (2) The results of sampling and analysis identifying the nature and concentration (or mass,  
10 where required by the Standard(s) or by the CEO, of regulated pollutants in the  
11 discharge from each regulated process.
- 12 (3) Instantaneous, daily maximum, and long-term average concentrations (or mass, where  
13 required) shall be reported.
- 14 (4) The sample shall be representative of daily operations and shall be analyzed in  
15 accordance with procedures set out in Section 6.11 of this ordinance. Where the  
16 Standard requires compliance with a BMP or pollution prevention alternative, the User  
17 shall submit documentation as required by the CEO or the applicable Standard to  
18 determine compliance with the Standard.
- 19 (5) Sampling must be performed in accordance with procedures set out in Section 6.13 of  
20 this ordinance.

21 Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.  
22 This could result in a delay in the issuance to the discharge permit.

#### 23 **4.6 Application Signatories and Certification**

- 24 A. All Wastewater Discharge Permit applications and Industrial User reports must be signed by an  
25 Authorized Representative of the User and contain the following certification statement:

26 *“I certify under penalty of law that this document and all attachments were*  
27 *prepared under my direction or supervision in accordance with a system designed*  
28 *to assure that qualified personnel properly gather and evaluate the information*  
29 *submitted. Based on my inquiry of the person or persons who manage the system,*  
30 *or those persons directly responsible for gathering the information, the*  
31 *information submitted is, to the best of my knowledge and belief, true, accurate,*  
32 *and complete. I am aware that there are significant penalties for submitting false*  
33 *information, including the possibility of fine and imprisonment for knowing*  
34 *violations.”*

- 35 B. If the designation of an Authorized Representative is no longer accurate because a different

1 individual or position has responsibility for the overall operation of the facility or overall  
2 responsibility for environmental matters for the company, a new written authorization  
3 satisfying the requirements of this Section must be submitted to the CEO prior to or together  
4 with any reports to be signed by an Authorized Representative.

## 5 **SECTION 5 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS**

### 6 **5.1 Wastewater Discharge Permit Duration**

7 A Wastewater Discharge Permit shall be issued for a specified time period not to exceed five (5) years from  
8 the effective date of the permit. A Wastewater Discharge Permit may be issued for a period less than five  
9 (5) years at the discretion of the CEO. Each Wastewater Discharge Permit will indicate a specific date upon  
10 which it will expire.

11 A Wastewater Discharge Permit shall include such conditions as are deemed reasonably necessary by the  
12 CEO to prevent pass through or interference, protect the quality of the water body receiving the treatment  
13 plant's effluent, protect worker health and safety, facilitate biosolids management and disposal, and protect  
14 against damage to the POTW.

### 15 **5.2 Permit Contents**

16 A. Wastewater Discharge Permits must contain:

- 17 (1) A statement that indicates Wastewater Discharge Permit duration, which in no event  
18 shall exceed five (5) years;
- 19 (2) A statement that the Wastewater Discharge Permit is nontransferable without prior  
20 notification to the CEO in accordance with Section 5.4 of this ordinance and provisions  
21 for furnishing the new owner or operator with a copy of the existing Wastewater  
22 Discharge Permit;
- 23 (3) Effluent limits, including Best Management Practices, based on applicable  
24 Pretreatment Standards;
- 25 (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements.  
26 These requirements shall include an identification of pollutants (or Best Management  
27 Practices) to be monitored, sampling location, sampling frequency, and sample type  
28 based on Federal, State and Local Law;
- 29 (5) A statement of applicable civil and criminal penalties for violation of Pretreatment  
30 Standards and Requirements, and any applicable compliance schedule. Such schedule  
31 may not extend the time for compliance beyond that required by applicable Federal,  
32 State or Local Law; and
- 33 (6) Requirements to control Slug Discharge, if determined by the CEO to be necessary

34 B. Individual Wastewater Discharge Permits may contain, but need not be limited to, the following  
35 conditions:

- 1 (1) Limits on the rate of discharge, time of discharge, or requirements for flow regulation  
2 and equalization;
- 3 (2) Requirements for the construction or installation of pretreatment technology, pollution  
4 control, or other appropriate containment devices, designed to reduce, eliminate, or  
5 prevent the introduction of pollutants into the treatment works;
- 6 (3) Requirements for the development and implementation of spill/slug control plans or  
7 other special conditions including management practices necessary to adequately  
8 prevent accidental, unanticipated, or non-routine discharges;
- 9 (4) Development and implementation of waste minimization plans to reduce the amount  
10 of pollutants discharged to the POTW;
- 11 (5) The unit charge or schedule of User charges and fees for the management of the  
12 wastewater discharged to the POTW;
- 13 (6) Requirements for installation and maintenance of inspection and sampling facilities and  
14 equipment, including flow measurement devices;
- 15 (7) A statement that compliance with the Wastewater Discharge Permit does not relieve the  
16 permittee of responsibility for compliance with all applicable Federal and State  
17 Pretreatments Standards or Requirements, including those which become effective  
18 during the term of the Wastewater Discharge Permit; and
- 19 (8) Other conditions, as deemed appropriate by the CEO, to ensure compliance with this  
20 ordinance, and State and Federal Laws, Rules, and Regulations.

### 21 **5.3 Wastewater Discharge Permit Modification**

22 The CEO may modify a Wastewater Discharge Permit for good cause, including but not limited to, the  
23 following reasons:

- 24 A. To incorporate any new or revised Federal, State, or Local Pretreatment Standards or  
25 Requirements;
- 26 B. To address significant alterations or additions to the User's operation, processes, or wastewater  
27 volume or character since the time of Wastewater Discharge Permit issuance;
- 28 C. A change in the POTW that requires either a temporary or permanent reduction or elimination  
29 of the authorized discharge;
- 30 D. Information indicating that the permitted discharge poses a threat to the POTW and/or its  
31 personnel, the receiving waters, or the beneficial use of biosolids;
- 32 E. Violation of any terms or conditions of the Wastewater Discharge Permit;
- 33 F. Misrepresentations or failure to fully disclose all relevant facts in the Wastewater Discharge  
34 Permit application or in any required reporting;
- 35 G. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40

1 C.F.R. 403.13;

2 H. To correct typographical or other errors in the Wastewater Discharge Permit; or

3 I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

#### 4 **5.4 Wastewater Discharge Permit Transfer**

5 Wastewater Discharge Permits may be transferred to a new owner or operator only if the permittee gives  
6 at least sixty (60) days advance notice to the CEO and the CEO approves the Wastewater Discharge Permit  
7 transfer. The notice to the CEO must include a written certification by the new owner or operator which:

8 A. States that the new owner or operator has no immediate intent to change the facility's operations  
9 and processes;

10 B. Identifies the specific date on which the transfer is to occur; and

11 C. Acknowledges full responsibility for complying with the existing Wastewater Discharge  
12 Permit.

13 Failure to provide advance notice of a transfer may render the Wastewater Discharge Permit void as of the  
14 date of facility transfer.

#### 15 **5.5 Wastewater Discharge Permit Revocation**

16 The CEO may revoke a Wastewater Discharge Permit for good cause in accordance with the procedure set  
17 forth in Section 10 of this ordinance, including but not limited to, the following reasons:

18 A. Failure to notify the CEO of significant changes to the wastewater prior to the changed  
19 discharge;

20 B. Failure to provide prior notification to the CEO of changed conditions pursuant to Section 6.6  
21 of this ordinance;

22 C. Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge  
23 Permit application;

24 D. Falsifying self-monitoring reports and certification statements;

25 E. Tampering with monitoring equipment;

26 F. Refusing to allow the CEO timely access to the facility premises and records;

27 G. Failure to meet effluent limitations;

28 H. Failure to pay fines;

29 I. Failure to pay sewer charges;

30 J. Failure to meet compliance schedules;

31 K. Failure to complete a wastewater survey or submit a Wastewater Discharge Permit application  
32 for modification at the request of the CEO;

33 L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

34 M. Violation of any Pretreatment Standard or Requirement, or any terms of the Wastewater  
35 Discharge Permit or this ordinance.

1 **5.6 Voided Permits**

2 Wastewater Discharge Permits shall be void upon cessation of operations or transfer of business ownership.  
3 All Wastewater Discharge Permits are void upon renewal or modification of the permit for that discharge.

4 **5.7 Wastewater Discharge Permit Renewal**

- 5 A. A User with an expiring Wastewater Discharge Permit shall apply for Wastewater Discharge  
6 Permit renewal by submitting a complete permit application, in accordance with Section 4.5  
7 of this ordinance, a minimum of sixty (60) days prior to the expiration of the User's existing  
8 Wastewater Discharge Permit. The CEO will notify the User of his responsibility to reapply  
9 for renewal of the permit at least ninety (90) days prior to the expiration date.
- 10 B. If a User submits a timely application for renewal of an expiring Wastewater Permit and,  
11 through no fault of the User, a renewal permit is not issued prior to the expiration date of the  
12 existing permit, the User shall continue to discharge under the limits and conditions contained  
13 in the expired permit until a new permit is issued for that discharge.

14 **5.8 Regulation of Waste Received from Other Jurisdictions**

- 15 A. All Industrial Users discharging wastewater to the City of Little Rock POTW which are  
16 outside the jurisdiction and are not part of another incorporated city, shall be required to agree  
17 by written contract to abide by the conditions set forth in this ordinance, subsequent revisions  
18 and amendments to this ordinance, and any rules or regulations promulgated by the Little  
19 Rock Water Reclamation Commission in accordance with Section 2.7 of this ordinance.
- 20 B. All incorporated cities which discharge to the City of Little Rock POTW shall agree by written  
21 contract to adopt an ordinance which meets the requirements of 40 C.F.R. Part 403 and will be  
22 at least as stringent as the conditions set forth in this ordinance. This agreement must also  
23 contain a provision that allows for the adoption of any and all rules or regulations promulgated  
24 by the Little Rock Water Reclamation Commission in accordance with Section 2.7 of this  
25 ordinance and shall delegate to the City of Little Rock the powers to enforce the provisions of  
26 all laws, rules, or regulations adopted in accordance with this Section.

27 **SECTION 6 - REPORTING REQUIREMENTS**

28 **6.1 Baseline Monitoring Reports**

- 29 A. Within either 180 days after the effective date of a Categorical Pretreatment Standard or the  
30 final administrative decision on a category determination under 40 C.F.R. 403.6(a)(4),  
31 whichever is later, existing Categorical Users currently discharging to or scheduled to discharge  
32 to the POTW shall submit to the CEO a report which contains the information listed in Section  
33 6.1(B) below. At least ninety (90) days prior to commencement of their discharge, new sources  
34 and sources that become Categorical Users subsequent to the promulgation of an applicable  
35 Categorical Standard, shall submit to the CEO a report which contains the information listed

1 in Section 6.1(B) below. A new source shall report the method of pretreatment it intends to use  
2 to meet applicable Categorical Standards. A new source also shall give estimates of its  
3 anticipated flow and quantity of pollutants to be discharged.

4 B. Users described in Section 6.1(A) above shall submit the following information:

5 (1) Identifying Information. The name and address of the facility, including the name of  
6 the operator and owner.

7 (2) Environmental Permits. A list of all environmental control permits for the facility.

8 (3) Description of Operations. A brief description of the nature and average rate of  
9 production and the Standard Industrial Classifications of the operation(s) carried out  
10 by such User. This description should include a schematic process diagram which  
11 indicates points of discharge to the POTW from the regulated processes.

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

16 (5) Measurement of Pollutants.

17 (a) The Categorical Pretreatment Standards applicable to each regulated process.

18 (b) The results of sampling and analysis, identifying the nature and concentration,  
19 or mass where required by the standard or by the CEO, of regulated pollutants  
20 in the discharge from each regulated process.

21 (c) Instantaneous, daily maximum, and long-term average concentrations, or mass  
22 where required, shall be reported.

23 (d) The sample shall be representative of daily operations and shall be analyzed in  
24 accordance with procedures set out in Section 6.11 of this ordinance. Where  
25 the Standard requires compliance with a Best Management Practice or  
26 pollution prevention alternative, the User shall submit documentation as  
27 required by the CEO or the applicable Standard(s) to determine compliance  
28 with the Standard(s).

29 (e) The User shall take a minimum of one representative sample to compile that data  
30 necessary to comply with the requirements of this paragraph.

31 (f) Samples should be taken immediately downstream from pretreatment facilities  
32 if such exist or immediately downstream from the regulated process if no  
33 pretreatment exists. If other wastewaters are mixed with the regulated  
34 wastewater prior to pretreatment the User should measure the flows and  
35 concentrations necessary to allow use of the combined waste stream formula

1 in 40 C.F.R. 403.6(e) to evaluate compliance with the Pretreatment Standards.

2 Where an alternate concentration or mass limit has been calculated in  
3 accordance with 40 C.F.R. 403.6(e) this adjusted limit along with supporting  
4 data shall be submitted to the Control Authority;

5 (g) The CEO may allow the submission of a baseline report which utilizes only  
6 historical data so long as the data provides information sufficient to determine  
7 the need for industrial pretreatment measures; and

8 (h) The baseline report shall indicate the time, date, and place of sampling and  
9 methods of analysis, and shall certify that such sampling and analysis is  
10 representative of normal work cycles and expected pollutant discharges to the  
11 POTW.

12 (6) Compliance Certification. A statement, certified by the User's Authorized  
13 Representative and certified by a qualified professional, indicating whether  
14 Pretreatment Standards are being met on a consistent basis and, if not, whether  
15 additional pretreatment measures or BMPs are required to meet the Pretreatment  
16 Standards and Requirements.

17 (7) Compliance Schedule. If additional pretreatment or BMPs will be required to meet the  
18 Pretreatment Standards, the shortest schedule by which the User will provide such  
19 additional pretreatment or BMPs must be provided. The completion date in this  
20 schedule shall not be later than the compliance date established for the applicable  
21 Pretreatment Standard. A compliance schedule pursuant to this section must meet the  
22 requirements set out in Section 6.2 of this ordinance.

23 (8) Signature and Certification. All baseline monitoring reports must be signed and  
24 certified in accordance with Section 4.6 of this ordinance by an Authorized  
25 Representative of the User.

## 26 **6.2 Compliance Schedule Progress Reports**

27 The following conditions shall apply to the compliance schedule required by Section 6.1(B)(7) of this  
28 ordinance or any compliance schedule issued by the CEO under Section 10.4 of this ordinance:

29 A. The schedule shall contain progress increments in the form of dates for the commencement and  
30 completion of major events leading to the construction and operation of additional pretreatment  
31 required for the User to meet the applicable Pretreatment Standards. Such events include, but  
32 are not limited to, hiring an engineer, completing preliminary and final plans, executing  
33 contracts for major components, commencing and completing construction, and beginning and  
34 conducting routine operation;

35 B. No increment referred to above shall exceed nine (9) months;

1 C. The User shall submit a progress report to the CEO no later than fourteen (14) days following  
2 each date in the schedule and the final date of compliance including, as a minimum, whether  
3 or not it complied with the increment of progress, the reason for any delay, and, if appropriate,  
4 the steps being taken by the User to return to the established schedule; and

5 D. In no event shall more than nine (9) months elapse between such progress reports to the CEO.

### 6 **6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline**

7 Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment  
8 Standards, or in the case of a new source following commencement of the introduction of wastewater into  
9 the POTW, any User subject to such Pretreatment Standards and requirements shall submit to the CEO a  
10 report containing the information described in Sections 6.1(B)(4)-(6) of this ordinance. For Users subject  
11 to equivalent mass or concentration limits established in accordance with the procedures in Section 2.2 of  
12 this ordinance, this report shall contain a reasonable measure of the User's long-term production rate. For  
13 all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant  
14 discharge per unit of production (or other measure of operation), this report shall include the User's actual  
15 production during the appropriate sampling period. All compliance reports must be signed and certified in  
16 accordance with Section 4.6 of this ordinance.

### 17 **6.4 Periodic Compliance Reports for Significant Industrial Users**

18 A. All Significant Industrial Users shall, at a frequency determined by the CEO, but in no case less  
19 than twice per year (in June and December), submit a report indicating the nature and  
20 concentration of pollutants in the discharge which are limited by Pretreatment Standards and  
21 the measured or estimated average and maximum daily flows for the reporting period. In cases  
22 where the Pretreatment Standard requires compliance with a Best Management Practice (BMP)  
23 or pollution prevention alternative, the User must submit documents required by the CEO or  
24 the Pretreatment Standard necessary to determine the compliance status of the user. All  
25 periodic compliance reports must be signed and certified in accordance with Section 4.6 of this  
26 ordinance.

27 B. When LRWRA conducts the sampling and flow data collection for the Significant Industrial  
28 User, the reporting requirements listed under Section 6.4(A) of this ordinance shall be waived.

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

34 D. If an Industrial User subject to the reporting requirement in this section monitors any pollutant  
35 more frequently than required by the CEO, using the procedures prescribed in Section 6.11 of

1 this ordinance, the results of this monitoring shall be included in the report.

- 2 E. All Significant Industrial Users required by the CEO to submit Periodic Compliance Reports  
3 shall use the form supplied by the CEO or other approved form.

4 **6.5 Monthly Self-Monitoring Reports for Categorical Industrial Users**

5 A. When required by the CEO, all Industrial Users subject to a Categorical Pretreatment Standard  
6 shall submit a monthly self-monitoring report indicating the nature and concentration or mass  
7 of pollutants in the discharge which are limited by Pretreatment Standards and the measured or  
8 estimated average and maximum daily flows for the reporting period. All monthly self-  
9 monitoring reports must be signed and certified in accordance with Section 4.6 of this  
10 ordinance.

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

16 C. If a User subject to the reporting requirement in this section monitors any pollutant more  
17 frequently than required by the CEO, using the procedures prescribed in Section 6.11 of this  
18 ordinance, the results of this monitoring shall be included in the report.

19 D. All Categorical Industrial Users required by the CEO to submit monthly self-monitoring reports  
20 shall use the form supplied by the CEO or other approved form.

21 **6.6 Reports of Changed Conditions**

22 Each User must notify the CEO of any planned significant changes to the User's operations or system which  
23 might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

24 A. The CEO may require the User to submit such information as may be deemed necessary to  
25 evaluate the changed condition, including the submission of a Wastewater Discharge Permit  
26 application under Section 4.5 of this ordinance.

27 B. The CEO may modify an existing Wastewater Discharge Permit under Section 5.3 of this  
28 ordinance in response to changed conditions or anticipated changed conditions.

29 C. For purposes of this requirement, significant changes include, but are not limited to, flow  
30 increases of 20% or greater or the discharge of any previously unreported pollutants.

31 D. No User shall implement the planned change condition(s) without written approval from the  
32 CEO.

33 **6.7 Reports of Potential Problems**

34 A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a  
35 non-routine, episodic nature, a non-customary batch discharge, a slug discharge or a slug load,

1 that may cause potential problems for the POTW, the User shall immediately notify the CEO  
2 of the incident. This notification shall include the location of the discharge, type of waste,  
3 concentration, and volume, if known, and corrective actions taken by the User. The notification  
4 must be made to LRWRA in accordance with the notification procedures set forth in the User's  
5 Industrial Wastewater Discharge Permit.

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

13 C. A notice shall be permanently posted by the User in a prominent place advising employees of  
14 notification procedures in the event of a discharge described in Section 6.7(A) above of this  
15 ordinance. Employers shall ensure that all employees who could cause such a discharge to occur  
16 are advised of the emergency notification procedure.

17 D. Significant Industrial Users are required to notify the CEO immediately of any changes at its  
18 facility affecting the potential for a slug discharge.

### 19 **6.8 Other Reports – Permitted and Unpermitted Users**

20 All Users shall provide appropriate reports to the CEO as the CEO may require. Such reports may request,  
21 but are not limited to, the nature and characteristics of the Users wastewater (industrial waste survey).  
22 Failure to complete requested reports or survey shall be considered a violation of this section and considered  
23 reasonable grounds for legal action as provided by this ordinance.

### 24 **6.9 Sampling and Reporting Following Violation**

25 If sampling performed by a User indicates a violation of any Pretreatment Standard or other condition set  
26 by the CEO, the User must notify the CEO within twenty-four (24) hours of becoming aware of the violation.  
27 The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the CEO  
28 within thirty (30) days after becoming aware of the violation. The User is not required to resample if the  
29 CEO samples between the User's initial sampling and when the User receives the results of this sampling.  
30 If the CEO performed the sampling and analysis in lieu of the Industrial User, the CEO will perform the  
31 repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the  
32 repeat sampling and analysis.

### 33 **6.10 Notification of the Discharge of Hazardous Waste**

34 A. Any User who commences the discharge of Hazardous Waste shall notify the POTW and the  
35 Arkansas Department of Environmental Quality, in writing, of any discharge into the POTW

1 of a substance which, if otherwise disposed of, would be a Hazardous Waste under 40 C.F.R.  
2 Part 261. Such notification must include the name of the Hazardous Waste, as set forth in 40  
3 C.F.R. Part 261, the EPA Hazardous Waste identification number, and the type of discharge  
4 (continuous, batch, or other).

5 B. If the User discharges more than 100 kilograms of such waste per calendar month to the POTW,  
6 the notification also shall contain the following information to the extent such information is  
7 known and readily available to the User: an identification of the hazardous constituents  
8 contained in the wastes; an estimation of the mass and concentration of such constituents in the  
9 waste stream discharged during that calendar month; and an estimation of the mass of  
10 constituents in the waste stream expected to be discharged during the following twelve (12)  
11 months.

12 C. All notifications must take place no later than 180 days after the discharge commences. Any  
13 notification under this paragraph need be submitted only once for each Hazardous Waste  
14 discharged. However, notifications of changed conditions must be submitted under Section 6.6  
15 of this ordinance. The notification requirement in this section does not apply to pollutants  
16 already reported by Users subject to Categorical Pretreatment Standards under the self-  
17 monitoring requirements of Sections 6.1, 6.3, 6.4, and 6.5 of this ordinance.

18 D. Users are exempt from the requirements of Section 6.10(A) of this ordinance during a calendar  
19 month in which they discharge no more than fifteen (15) kilograms of Hazardous Wastes,  
20 unless the wastes are acute Hazardous Wastes, as specified in 40 C.F.R. 261.30(d) and  
21 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute Hazardous Wastes in a  
22 calendar month, or of any quantity of acute Hazardous Wastes requires a one (1)-time  
23 notification. Subsequent months during which the User discharges more than such quantities  
24 of any hazardous waste do not require additional notification.

25 E. In the case of any new regulations promulgated under the Resource Conservation and Recovery  
26 Act, 42 U.S.C. § 6921 *et seq.* identifying additional characteristics of Hazardous Waste or listing  
27 any additional substance as a Hazardous Waste, the User must notify the CEO and the Arkansas  
28 Department of Environmental Quality of the discharge of such substance within ninety (90)  
29 days of the effective date of such regulations.

30 F. In the case of any notification made under this section, the User shall certify that it has a  
31 program in place to reduce the volume and toxicity of Hazardous Wastes generated to the  
32 degree it has determined to be economically practical.

33 G. This provision does not create a right to discharge any substance otherwise prohibited by this  
34 ordinance, any permits or authorizations issued thereunder, or any applicable Federal, State or  
35 Local Law.

1 **6.11 Analytical Requirements**

- 2 A. All pollutant analyses, including sampling techniques, to be submitted as part of a Wastewater  
3 Discharge Permit application or report shall be performed in accordance with the techniques  
4 prescribed in 40 C.F.R. Part 136 and amendments thereto, unless otherwise specified in an  
5 applicable categorical Pretreatment Standard. If 40 C.F.R. Part 136 does not contain sampling  
6 or analytical techniques for the pollutant in question, sampling and analyses must be performed  
7 in accordance with procedures approved by EPA. All samples shall be collected at the secure  
8 sample point, sample/inspection manhole, or process sampling point as designated by the CEO.
- 9 B. All independent laboratories performing analyses for Industrial Users including, but not limited  
10 to, self-monitoring reports, periodic reports on continuing compliance, baseline monitoring  
11 reports, or split sample verification, shall be certified by the Arkansas Department of  
12 Environmental Quality Laboratory Certification Program for the specific analysis being  
13 performed. The CEO reserves the right to reject any analysis performed by an independent  
14 laboratory that is not duly certified for a particular analysis.

15 **6.12 Sampling and Inspection Manholes**

16 When required by the CEO, the owner of any property serviced by a building sewer carrying industrial  
17 waste shall provide a secure sampling point or manhole which is constructed in accordance with the latest  
18 revision of the Little Rock Water Reclamation Authority Specification Requirements for Sanitary Sewers.  
19 The secure sampling point or manhole shall be safely located and accessible to duly authorized employees  
20 or representatives of LRWRA at all times. When deemed necessary by the CEO, the secure sampling point  
21 or manhole shall be provided with meters or other appurtenances to facilitate the monitoring of the  
22 wastewater. The cost of the installation and maintenance of a secure sampling point or manhole shall be  
23 borne by the owner. Any construction or alteration of a secure sampling point or manhole shall be approved  
24 by the CEO before any construction has begun.

25 Any secure sampling point or manhole located in a parking lot or other area where any vehicles may  
26 reasonably be expected to be parked must be protected by a permanent barrier, railing, or other means if it  
27 is determined necessary by the CEO to ensure continued and uninterrupted access to the secure sampling  
28 point or manhole by LRWRA personnel.

29 **6.13 Sample Collection**

- 30 A. If as a result of any sampling and analyses authorized by the CEO, or due to the existence of  
31 any other information, the CEO may have sufficient reason to suspect the presence of toxic or  
32 prohibited substances as limited or prohibited by this ordinance to exist in the wastewater  
33 discharge of a facility, the CEO may direct the owner or operator of said facility to have a  
34 representative sample of that facility's wastewater subjected to the appropriate physical,  
35 chemical, and biological tests performed by a qualified laboratory certified by the State of

1 Arkansas acceptable to the CEO. The purpose of such tests shall be to determine the  
2 conformance of the wastewater characteristics to this ordinance. A prompt report shall be made  
3 in writing to the CEO by the laboratory stating the results of the tests. The costs associated with  
4 the sampling and testing required by this section shall be borne by the owner or operator.

5 B. Any sampling, testing, or sample delivery associated with duplicate sample analysis in excess  
6 of the regularly scheduled sampling and analysis performed by LRWRA that is requested by  
7 an industrial customer for the purpose of assessing a surcharge or enforcement of this ordinance  
8 will be borne by the owner or operator of the facility. The owner or operator of the facility  
9 which has a duplicate analysis performed by an independent laboratory will submit a prompt  
10 report in writing from the laboratory giving the results of the analyses and all quality assurance  
11 information relative to the analyses.

12 C. The User must collect wastewater samples using twenty-four (24)-hour flow-proportional  
13 composite sampling techniques, unless time-proportional composite sampling or grab sampling  
14 is authorized by the CEO or is otherwise required by this ordinance. Where time-proportional  
15 composite sampling or grab sampling is authorized by LRWRA, the samples must be  
16 representative of the discharge. Using protocols (including appropriate preservation) specified  
17 in 40 C.F.R. Part 136 and appropriate EPA guidance, multiple grab samples collected during a  
18 twenty-four (24)-hour period may be composited prior to the analysis as follows: for cyanide,  
19 total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for  
20 volatile organics and oil and grease, the samples may be composited in the laboratory.  
21 Composite samples for other parameters unaffected by the compositing procedures as  
22 documented in approved EPA methodologies may be authorized by LRWRA, as appropriate.  
23 In addition, grab samples may be required to show compliance with instantaneous limits.

24 D. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic  
25 compounds must be obtained using grab sample collection techniques.

26 E. For sampling required in support of baseline monitoring and ninety (90)-day compliance  
27 reports required by this ordinance, a minimum of four (4) grab samples must be used for pH,  
28 cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for  
29 which historical sampling data do not exist. For facilities for which historical sampling data are  
30 available, the CEO may authorize a lower minimum. For the reports required by Section 6.4  
31 and 6.5 of this ordinance, the Industrial User is required to collect the number of grab samples  
32 necessary to assess and assure compliance by with applicable Pretreatment Standards.

33 F. Sampling and testing shall be performed in accordance with the techniques prescribed in 40  
34 C.F.R. Part 136 and amendments thereto. The sampling methods performed shall include, at a  
35 minimum, procedures for sample chain of custody, preservation techniques, and holding times.

1 **6.14 Timing**

2 Reports and other documents that are submitted by postal mail or parcel delivery service will be deemed to  
3 have been received on the date posted. For all other submittals, including electronic submissions, the date  
4 of actual receipt of the report shall govern.

5 **6.15 Record Keeping**

6 Industrial Users subject to the reporting requirements of this ordinance shall retain, and make available for  
7 inspection and copying, all records of information obtained pursuant to any monitoring activities required  
8 by this ordinance, any additional records of information obtained pursuant to monitoring activities  
9 undertaken by the Industrial User independent of such requirements, and documentation associated with  
10 Best Management Practices established under Section 2.4 of this ordinance. Records shall include the date,  
11 exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates  
12 analyses were performed; who performed the analyses; the analytical techniques or methods used; and the  
13 results of such analyses. These records shall remain available for a period of at least three (3) years. This  
14 period shall be automatically extended for the duration of any litigation concerning the User or LRWRA, or  
15 where the Industrial User has been specifically notified of a longer retention period by the CEO.

16 **SECTION 7 - POWER AND AUTHORITY OF INSPECTORS**

17 **7.1 Right of Entry – Inspection and Sampling**

18 The CEO shall have the right to enter the premises of any User to determine whether the User is complying  
19 with all requirements of this ordinance and any Wastewater Discharge Permit or order issued hereunder.  
20 Users shall allow the CEO ready access to all parts of the premises for the purposes of inspection, sampling,  
21 records examination and copying, and the performance of any additional duties. The CEO may conduct  
22 inspection and sampling tasks at a minimum of once a year for every User.

- 23 A. Where a User has security measures in force which require proper identification and clearance  
24 before entry into its premises, the User shall make necessary arrangements that, upon  
25 presentation of suitable identification, the CEO will be permitted to enter without delay for the  
26 purposes of performing specific responsibilities.
- 27 B. The CEO shall have the right to set up on the User's property, or require installation of, such  
28 devices as are necessary to conduct sampling or metering of the User's operations.
- 29 C. The CEO may require the User to install monitoring equipment as necessary. The facility's  
30 sampling and monitoring equipment shall be maintained at all times in a safe and proper  
31 operating condition by the User at its own expense. All devices used to measure wastewater flow  
32 and quality shall be calibrated at least annually to ensure their accuracy.
- 33 D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected  
34 or sampled shall be promptly removed by the User at the written or verbal request of the CEO  
35 and shall not be replaced. The costs of clearing such access shall be born by the User.

1 E. Unreasonable delays or refusals in allowing the CEO access to the User's premises for the  
2 purpose of making an inspection authorized by this section shall be a violation of this ordinance.

3 **7.2 Search Warrants**

4 If the CEO has been refused access to a building, structure, or property, or any part thereof, then upon  
5 application and affidavit, the Little Rock Water Reclamation Commission through its attorney, may request  
6 a search warrant from the appropriate Municipal Court Judge of the City of Little Rock, Arkansas. The  
7 CEO must demonstrate probable cause to believe that there may be a violation of this ordinance, that there  
8 is a need to inspect or sample as part of a routine inspection and sampling program designed to verify  
9 compliance with this ordinance, or that access is necessary to protect the overall public health, safety and  
10 welfare of the community. The warrant shall describe the specific location subject to the warrant and specify  
11 what, if anything, may be searched or seized on the property described. Such warrant shall be served at  
12 reasonable hours by the CEO or the Little Rock Water Reclamation Commission attorney in the company  
13 of a Uniformed Police Officer of the City of Little Rock, Arkansas. In the event of an emergency affecting  
14 public health and safety, inspections shall be made without the issuance of a warrant.

15 **SECTION 8 - CONFIDENTIAL INFORMATION**

16 All records submitted by an Industrial User, including but not limited to reports, surveys, Wastewater  
17 Discharge Permit applications, Wastewater Discharge Permits, and data collected from the CEO's  
18 inspection and sampling activities, shall be available to the public without restriction. The Industrial User  
19 may request protection of records that, if released, would divulge information, processes, or methods of  
20 production entitled to protection as trade secrets under the Arkansas Freedom of Information Act ("FOIA"),  
21 Ark. Code Ann. § 25-19-101 *et seq.* and other applicable Arkansas law. Any such request must be asserted  
22 with specificity at the time of submission of the record. Determination of the applicability of the trade  
23 secrets exemption under FOIA and other applicable Arkansas State Law shall be at the sole discretion of  
24 the CEO.

25 Notwithstanding the preceding paragraph, records granted protection as trade secrets under Arkansas law  
26 shall be made available immediately upon request to governmental agencies for uses related to the National  
27 Pollutant Discharge Elimination System Program or Pretreatment Program, and as otherwise required by  
28 law or a judicial or administrative ruling.

29 Wastewater constituents and characteristics and other "effluent data" as defined by 40 C.F.R. 2.302(a)(2)  
30 will not be recognized as confidential information and will be available to the public without restriction.

31 **SECTION 9 - PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE**

32 The CEO shall publish annually, in a newspaper of general circulation that provides meaningful public  
33 notice within the jurisdictions served by the POTW, a list of the Industrial Users which, during the previous  
34 twelve (12) months, were in significant noncompliance with applicable Pretreatment Standards and  
35 requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users

1 (or any other Industrial User that violates Sections (C), (D), or of this Section) and shall mean:

- 2 A. Chronic violations of wastewater discharge limits, defined here as those in 66% or more of all  
3 the measurements taken for the same pollutant parameter taken during a six (6)-month period  
4 exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including  
5 Instantaneous Limits as defined in Section 2 of this ordinance;
- 6 B. Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of  
7 wastewater measurements taken for each pollutant parameter during a six (6)-month period  
8 equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including  
9 Instantaneous Limits as defined by Section 2 of this ordinance, multiplied by the applicable  
10 criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- 11 C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 of this  
12 ordinance (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard)  
13 that the CEO determines has caused, alone or in combination with other discharges,  
14 Interference or Pass Through, including endangering the health of POTW personnel or the  
15 general public;
- 16 D. Any discharge of pollutants that has caused imminent endangerment to the public or to the  
17 environment, or has resulted in the CEO's exercise of its emergency authority to halt or prevent  
18 such a discharge;
- 19 E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone  
20 contained in a Wastewater Discharge Permit or enforcement order for starting construction,  
21 completing construction, or attaining final compliance;
- 22 F. Failure to provide within forty-five (45) days after the due date, any required reports, including  
23 baseline monitoring reports, reports on compliance with categorical Pretreatment Standard  
24 deadlines, periodic self-monitoring reports, and reports on compliance with compliance  
25 schedules;
- 26 G. Failure to accurately report noncompliance; or
- 27 H. Any other violation(s), which may include a violation of Best Management Practices, which  
28 the CEO determines will adversely affect the operation or implementation of the City of Little  
29 Rock's Industrial Pretreatment Program.

30 **SECTION 10 - ENFORCEMENT**

31 **10.1 Noncompliance Incident**

32 Whenever the CEO finds that any Industrial User has violated or is violating this ordinance, a Wastewater  
33 Discharge Permit or order issued hereunder, or any other requirement, the CEO may notify the Industrial  
34 User of noncompliance. This notification may be oral or written. Within thirty  
35 (30) days of the receipt of the notice of noncompliance incident, or within a timeframe specified by the

1 CEO, the Industrial User must notify LRWRA of the reason for the noncompliance and the steps taken to  
2 prevent any recurrence. Submission of this information in no way relieves the Industrial User of liability  
3 for any violation occurring before or after receipt of the notice of the noncompliance incident. Nothing in  
4 this section shall limit the authority of LRWRA to take any action, including emergency actions or any  
5 other enforcement action, without first issuing a notice of a noncompliance incident.

#### 6 **10.2 Notice of Violation**

7 When the CEO finds that an Industrial User has violated, or continues to violate, any provision of this  
8 ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard  
9 or Requirement, the CEO shall serve upon the Industrial User a written Notice of Violation. Within thirty  
10 (30) days of the receipt of this notice, or within a timeframe specified by the CEO in the Notice of  
11 Violation, the Industrial User shall submit to the CEO an explanation of the violation and a plan for the  
12 satisfactory correction and prevention thereof, including, but not limited to, specific required actions and  
13 milestone schedules. Submission of this plan in no way relieves the Industrial User of liability for any  
14 violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit  
15 the authority of the CEO to take any action, including emergency actions or any other enforcement action,  
16 without first issuing a Notice of Violation.

#### 17 **10.3 Consent Orders**

18 The CEO is authorized to enter into consent orders, assurances of voluntary compliance, or other similar  
19 documents establishing an agreement with any Industrial User responsible for noncompliance. Such  
20 orders, assurances, or other similar documents will include specific action to be taken by the Industrial  
21 User to correct the noncompliance within a time period specified by the document. Such orders,  
22 assurances, or other similar documents shall be judicially enforceable.

#### 23 **10.4 Compliance Orders and Schedules**

24 When the CEO finds that an Industrial User has violated, or continues to violate, any provision of this  
25 ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard  
26 or Requirement, the CEO may issue an order or schedule to the Industrial User responsible for the discharge  
27 directing that the User come into compliance within a specified time. If the Industrial User does not come  
28 into compliance within the time provided, sewer service may be discontinued, subject to notice and right  
29 to a hearing as provided herein, unless adequate treatment facilities, devices, or other related appurtenances  
30 are installed and properly operated. Compliance orders also may contain other requirements to address the  
31 noncompliance, including additional self-monitoring and management practices designed to minimize the  
32 amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for  
33 compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve  
34 the Industrial User of liability for any violation, including any continuing violation. Issuance of a  
35 compliance order shall not be a bar against, or a prerequisite for, taking any other action against the

1 Industrial User.

2 **10.5 Cease and Desist Orders**

3 When the CEO finds that an Industrial User has violated, or continues to violate, any provision of this  
4 ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard  
5 or Requirement, or that the Industrial User's past violations are likely to recur, the CEO may issue an order  
6 to the Industrial User directing it to cease and desist all such violations and directing the Industrial User  
7 to immediately comply with all requirements and take such appropriate remedial or preventive action as  
8 may be needed to properly address a continuing or threatened violation, including halting operations and/or  
9 terminating the discharge. Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite  
10 for, taking any other action against the Industrial User.

11 **10.6 Administrative Fines**

12 A. When the CEO finds that an Industrial User has violated, or continues to violate, any provision  
13 of this ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other  
14 Pretreatment Standard or Requirement, the CEO may fine such User in an amount not to exceed  
15 One Thousand Dollars (\$1,000.00). Such fines shall be assessed on a per violation basis. In  
16 the case of monthly or other long-term average discharge limits, fines shall be assessed for each  
17 day during the period of violation. Each day of a continuing violation shall be deemed a  
18 separate violation.

19 B. The CEO may add the costs of preparing administrative enforcement actions, such as notices  
20 and orders, to a fine.

21 C. When an Industrial User desires to dispute such fines, the Industrial User must file a written  
22 request for the CEO to reconsider the fine along with full payment of the fine amount within  
23 ten (10) days of being notified of the fine. Where a request has merit, the CEO may convene a  
24 hearing on the matter. In the event the User's request is granted, the payment, together with any  
25 interest accruing thereto, shall be returned to the User.

26 D. Issuance or pursuit of an administrative fine shall not be a bar against, or a prerequisite for, taking  
27 any other action against the Industrial User. In no event, shall legal proceedings be initiated to  
28 collect said fine or penalty without a resolution of the Commission authorizing such action. If  
29 authorized, legal proceedings to collect fines or penalties must be brought in a court of  
30 competent jurisdiction.

31 **10.7 Show Cause Hearing**

32 A. The CEO may order any Industrial User which causes or contributes to violation(s) of this  
33 ordinance, Wastewater Discharge Permits, or orders issued hereunder, or any other  
34 Pretreatment Standard, to appear before the Little Rock Water Reclamation Commission and  
35 show cause why a proposed enforcement action should not be taken. Notice shall be served on

1 the Industrial User specifying the time and place for the hearing, the proposed enforcement  
2 action, the reasons for such action, and a request that the Industrial User show cause why this  
3 proposed enforcement action should not be taken. The notice of the meeting shall be served  
4 personally or by certified mail, return receipt requested, at least ten (10) days prior to the  
5 hearing. Such notice may be served on any authorized representative of the Industrial User.  
6 Whether or not the User appears as ordered, immediate enforcement action may be pursued  
7 following the hearing date. A Show Cause Hearing shall not be a prerequisite for taking any  
8 other enforcement action.

9 B. The Little Rock Water Reclamation Commission may itself conduct the Show Cause Hearing  
10 and take the evidence, or the Commission or its Chairman may designate the CEO to:

11 (1) Issue in the name of the Commission notices of hearings requiring attendance,  
12 testimony of witnesses and the production of evidence relevant to any matter involved  
13 in such hearings;

14 (2) Take the evidence; and

15 (3) Transmit a report of the evidence and hearing, including transcripts and other evidence  
16 together with recommendations to the Commission for action thereon.

17 C. At any hearing held pursuant to this ordinance, any testimony taken must be under oath and be  
18 electronically recorded. Any party desiring stenographic recording may provide the same at its  
19 own expense. Any decision made as a consequence of any hearing held pursuant to this  
20 ordinance shall be subject to review by appeal to the Circuit Court of Pulaski County, in  
21 accordance with the law of Arkansas.

22 D. Following the Show Cause Hearing, the Hearing Officer, if other than the Little Rock Water  
23 Reclamation Commission, shall within ten (10) days after the hearing submit his findings and  
24 recommendations to the members of the Commission. Following receipt of the  
25 recommendations, the Commission shall consider the findings and recommendations at its next  
26 regularly scheduled meeting or at any special meeting called for that purpose at which meeting  
27 the Commission shall take such action as it deems necessary. Within fifteen (15) days after  
28 consideration of the matter, the Commission shall have served on all parties its decision  
29 regarding the findings and recommendations. If the Commission finds that legal action should  
30 be brought against the User for the violation(s), the Commission may initiate such action in a  
31 court of competent jurisdiction seeking all appropriate relief. No suit to collect civil or criminal  
32 penalties may be initiated until after such time that a resolution authorizing such suit is duly  
33 adopted by the Commission pursuant to Ark. Code Ann. § 8- 4-103 (g)(1)-(2).

#### 34 **10.8 Emergency Suspension of Discharge**

35 The CEO may immediately suspend an Industrial User's discharge, whenever such suspension is necessary

1 to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or  
2 substantial endangerment to the health or welfare of persons, that threatens to interfere with the operation  
3 of the POTW, or which presents, or may present, an endangerment to the environment.

4 A. The CEO must provide notice of the suspension to the Industrial User. Any Industrial User  
5 notified of a suspension of its discharge shall immediately stop or eliminate its discharge. In  
6 the event of an Industrial User's failure to immediately comply voluntarily with the suspension  
7 order, the CEO may take such steps as deemed necessary, including immediate severance of the  
8 sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or  
9 endangerment to any individuals.

10 B. If requested by the Industrial User, the CEO must provide a hearing regarding the immediate  
11 suspension within five (5) days of the notice of suspension.

12 C. An Industrial User who is responsible, in whole or in part, for any discharge presenting  
13 imminent endangerment shall submit a detailed written statement, describing the causes of the  
14 harmful discharge and the measures taken to prevent any future occurrence, to the CEO prior to  
15 the date of any hearing held pursuant to Section 10.8(C), or any show cause or termination  
16 hearing under Sections 10.7 or 10.9 of this ordinance.

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

### 19 **10.9 Termination of Discharge**

20 In addition to the provisions in Section 5.5 of this ordinance, any Industrial User who violates the following  
21 conditions of this ordinance, Wastewater Discharge Permits, or orders issued pursuant to any provision of  
22 this ordinance may be subject to Wastewater Discharge Permit termination:

23 A. Violation of Wastewater Discharge Permit conditions;

24 B. Failure to accurately report the wastewater constituents and characteristics of its discharge;

25 C. Failure to report significant changes in operations or wastewater volume, constituents, and  
26 characteristics prior to discharge;

27 D. Refusal of reasonable access to the Industrial User's premises for the purpose of inspection,  
28 monitoring, or sampling; or

29 E. Violation of the Pretreatment Standards in Section 2 of this ordinance. Such Industrial User  
30 will be notified of the proposed termination of its discharge and be offered an opportunity to  
31 show cause under Section 10.7 of this ordinance why the proposed action should not be taken.  
32 Exercise of this option by the CEO shall not be a bar to, or a prerequisite for, taking any other  
33 action against the Industrial User.  
34

1 **10.10 Termination of Service**

2 Additionally, the Commission, through the CEO, may issue to any Industrial User in violation, notice that  
3 following a specified period of time, the sewer service will be discontinued unless the User comes into full  
4 compliance with the requirements of this ordinance, Wastewater Discharge Permits, or orders issued  
5 pursuant to a provision of this ordinance. Other orders and directives as necessary and appropriate may be  
6 issued.

7 An order directing the cessation of sewer service shall not preclude legal action as the Commission may deem  
8 appropriate under the circumstances.

9 **10.11 Injunctive Relief**

10 When the CEO finds that an Industrial User has violated, or continues to violate, any provision of this  
11 ordinance, a Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard,  
12 the Commission may commence proceedings for the issuance of a Temporary or Permanent Injunction, as  
13 appropriate, which restrains or compels the specific performance of the Wastewater Discharge Permit,  
14 order, or other requirement imposed by this ordinance on activities of the Industrial User. The Commission  
15 may also seek other appropriate legal relief, including a requirement for the Industrial User to conduct  
16 environmental remediation. A complaint for injunctive relief shall not be a bar against, or a prerequisite  
17 for, taking any other action against an Industrial User.

18 **10.12 Civil Penalties**

19 A. An Industrial User who has violated, or continues to violate, any provision of this ordinance, a  
20 Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard  
21 or Requirement shall be liable to LRWRA for the maximum civil penalty allowed under  
22 applicable Arkansas State Law. In the case of a monthly or other long-term average discharge  
23 limit, penalties shall accrue for each day during the period of the violation; and, each day of a  
24 continuing violation may be deemed a separate violation.

25 B. The CEO may recover all costs and other expenses associated with enforcement activities,  
26 including sampling and monitoring expenses, the cost of any actual damages incurred by  
27 LRWRA, and all other costs recoverable under Arkansas State Law.

28 C. In determining the amount of civil liability, a court of competent jurisdiction may take into  
29 account all relevant circumstances, including, but not limited to, the extent of harm caused by  
30 the violation, the magnitude and duration of the violation, any economic benefit gained through  
31 the Industrial User's violation, corrective actions by the Industrial User, the compliance history  
32 of the Industrial User, and any other factor as justice requires.

33 D. Filing a suit for civil or criminal penalties shall not be a bar against, or a prerequisite for, taking  
34 any other action against an Industrial User, provided that no such suit to collect civil or criminal  
35 penalties shall be commenced without a resolution of the Little Rock Water Reclamation

1 Commission authorizing such court action.

2 (1) For Industrial Users with properties located within the corporate limits of the City of  
3 Little Rock, no suit to collect civil or criminal penalties or fines may be initiated until  
4 after such time that a resolution authorizing the suit is duly adopted by the Commission,  
5 as the governing body referenced in Ark. Code Ann § 8-4-103.

6 (2) For Industrial Users with properties located outside the corporate limits of the City of  
7 Little Rock, the Board of Directors of the City of Little Rock hereby delegates authority  
8 to the Commission to be the governing body to authorize, by resolution, legal actions  
9 to collect civil or criminal penalties or fines, as required by Ark. Code Ann § 8-4-103.

10 **10.13 Criminal Prosecution**

11 A. An Industrial User who willfully or negligently violates any provision of this ordinance, a  
12 Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or  
13 Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not  
14 more than One Thousand Dollars (\$1,000.00) per violation or imprisonment for such term as  
15 allowed by law or both; provided that no criminal prosecution may be commenced without a  
16 prior resolution of the Commission authorizing such prosecution.

17 B. An Industrial User who willfully or negligently introduces any substance into the POTW which  
18 causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor  
19 and be subject to a penalty of at least One Hundred Dollars (\$100.00), but not more than Five  
20 Hundred Dollars (\$500.00) for any one (1) specified offense or violation thereof, and not less  
21 than One Hundred Dollars (\$100.00) but not more than One Thousand Dollars (\$1,000.00) for  
22 each repetition of such event or violation, or be subject to imprisonment for such term as  
23 allowed by law, or both. This penalty shall be in addition to any other cause of action for  
24 personal injury or property damage available under State law.

25 C. An Industrial User who knowingly makes any false statements, representations, or  
26 certifications in any application, record, report, plan, or other documentation filed, or required  
27 to be maintained, pursuant to this ordinance, Wastewater Discharge Permit, or order issued  
28 hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring  
29 device or method required under this ordinance shall, upon conviction, be punished by a fine of  
30 at least One Hundred Dollars (\$100.00), but not more than Five Hundred Dollars (\$500.00) for  
31 any one (1) specified offense or violation thereof, and not less than One Hundred Dollars  
32 (\$100.00), but not more than One Thousand Dollars (\$1,000.00) for each repetition of such event  
33 or violation, or be subject to imprisonment for such term as allowed by law, or both. This penalty  
34 shall be in addition to any other cause of action for personal injury or property damage available  
35 under Arkansas State Law.

1 **10.14 Remedies Nonexclusive**

2 The remedies provided for in this ordinance are not exclusive. The CEO may take any, all, or any  
3 combination of these actions against a noncompliant Industrial User. Enforcement of pretreatment violations  
4 will generally be in accordance with LRWRA’s Enforcement Response Plan. However, the CEO may take  
5 other action against any Industrial User when the circumstances warrant. Further, the CEO is empowered  
6 to take more than one enforcement action against any noncompliant Industrial User.

7 **10.15 Public Nuisances**

8 A violation of any provision of this ordinance, an individual Wastewater Discharge Permit, a General  
9 Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a  
10 public nuisance and shall be corrected or abated as directed by the CEO. Any person(s) creating a public  
11 nuisance shall be subject to the provisions of the City Code for the City of Little Rock governing such  
12 nuisances, including reimbursing the City or the Commission for any costs incurred in removing, abating,  
13 or remedying said nuisance.

14 **10.16 Payment of Outstanding Fees and Penalties**

15 The CEO may decline to issue or reissue an individual Wastewater Discharge Permit or a General Permit  
16 to any Industrial User who has failed to pay any outstanding fees, fines, or penalties incurred as a result of any  
17 provision of this ordinance, a previous individual Wastewater Discharge Permit, or a previous General  
18 Permit or Order issued hereunder.

19 **SECTION 11 – SUPPLEMENTAL ENVIRONMENTAL PROJECTS**

20 In lieu of administrative or civil penalties, the CEO may accept the performance of a Supplemental  
21 Environmental Project by the User. The Supplement Environmental Project shall provide a general benefit  
22 to the POTW and the City of Little Rock, not to the sole benefit of the User. Activities undertaken to  
23 comply with Pretreatment Standards, the installation of necessary pretreatment measures, or any other  
24 action required by this ordinance shall not qualify as a Supplemental Environmental Project. The acceptance  
25 of a Supplemental Environmental Project is at the sole discretion of the CEO.

26 **SECTION 12 – FINANCIAL ASSURANCE**

27 The CEO may decline to issue or reissue a Wastewater Discharge Permit to any User who has failed to  
28 comply with any provision of this ordinance, a previous Wastewater Discharge Permit or order issued  
29 hereunder, or any other Pretreatment Standard, unless the User first submits proof that it has obtained  
30 financial assurances sufficient to restore or repair damage to the POTW caused by its discharge or as  
31 necessary to achieve consistent compliance. Acceptable forms of financial assurance may include, but are  
32 not limited to, Liability Insurance or Performance Bonds payable to the Little Rock Water Reclamation  
33 Commission. The request for and acceptance of financial assurances is within the sole discretion of the  
34 CEO.

35 **SECTION 13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

1 **13.1 Prohibited Discharge Standards**

2 A User shall have an affirmative defense to an enforcement action brought against it for noncompliance  
3 with the general or specific prohibitions in Section 2.1 of this ordinance if the User can prove that the User  
4 did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other  
5 sources, would cause pass through or interference and that either:

6 A. A Local Limit exists for each pollutant discharged and the User was in compliance with each  
7 limit directly prior to, and during, the pass through or interference; or

8 B. No Local Limit exists, but the discharge did not change substantially in nature or constituents  
9 from the User's prior discharge when LRWRA was regularly in compliance with its NPDES  
10 Permit, and in the case of interference, was in compliance with applicable biosolid use or  
11 disposal requirements.

12 **13.2 Upset**

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

18 B. An upset shall constitute an affirmative defense to an action brought for noncompliance with  
19 categorical Pretreatment Standards if the following requirements are met:

20 (1) An upset occurred and the User can identify the cause(s) of the upset;

21 (2) The facility was at the time being operated in a prudent and workman-like manner and  
22 in compliance with applicable operation and maintenance procedures; and

23 (3) The User has submitted the following information to the CEO within twenty-four (24)  
24 hours of becoming aware of the upset. If this information is provided orally, a written  
25 submission must be provided within five (5) days:

26 (a) A description of the indirect discharge and cause of noncompliance;

27 (b) The period of noncompliance, including exact dates and times or, if not  
28 corrected, the anticipated time the noncompliance is expected to continue; and

29 (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence  
30 of the noncompliance.

31 C. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall  
32 have the burden of proof. A User who wishes to establish the affirmative defense of upset shall  
33 demonstrate such occurrence through properly signed, contemporaneous operating logs, or  
34 other relevant evidence.

35

1 D. Users will have the opportunity for a judicial determination on any claim of upset only in an  
2 enforcement action brought for noncompliance with categorical Pretreatment Standards.

### 3 **13.3 Bypass**

4 A. A User may allow any bypass to occur which does not cause Pretreatment Standards or  
5 Requirements to be violated, but only if it also is for essential maintenance to assure efficient  
6 operation. These bypasses are not subject to the provisions of Sections 13.3(C) and (D) below.

7 B. If a User knows in advance of the need for a bypass, it shall submit prior notice to the CEO at  
8 least ten (10) days before the date of the bypass, if possible.

9 C. A User shall submit oral notice to the CEO of an unanticipated bypass that exceeds applicable  
10 Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the  
11 bypass. A written submission shall also be provided within five (5) days of the time the User  
12 becomes aware of the bypass. The written submission shall contain: a description of the bypass  
13 and its cause; the duration of the bypass, including exact dates and times; if the bypass has not  
14 been corrected, the anticipated time it is expected to continue; and steps taken or planned to  
15 reduce, eliminate, and prevent reoccurrence of the bypass. The CEO may waive the written  
16 report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

17 D. The CEO may approve an anticipated bypass, after considering its adverse effects, if the CEO  
18 determines that it will meet the three conditions listed in Section 13.3(F) of this section.

19 E. Bypass is prohibited, and the CEO may take an enforcement action against a User for a bypass,  
20 unless:

21 (1) The bypass meets the provisions of Section 13.3(B);

22 (2) Bypass was unavoidable to prevent loss of life, personal injury, or severe property  
23 damage;

24 (3) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment  
25 facilities, retention of untreated wastes, or maintenance during normal periods of  
26 equipment downtime. This condition is not satisfied if adequate back-up equipment  
27 should have been installed in the exercise of reasonable engineering judgment to  
28 prevent a bypass which occurred during normal periods of equipment downtime or  
29 preventive maintenance; and

30 (4) The User submitted notices as required under Section 13.3(C) and approval was granted  
31 by the CEO.

32 F. Severe property damage includes substantial physical damage to property, damage to treatment  
33 facilities which causes them to become inoperable, or substantial and permanent loss of natural  
34 resources which can reasonably be expected to occur in the absence of a bypass. Severe  
35 property damage does not include economic losses caused by delays in production.

1     **SECTION 14 – ADMINISTRATIVE FEES AND EXTRA-STRENGTH SURCHARGE RATES**

2     **14.1 Collection of Extra-Strength Surcharges**

3     The CEO may at any time collect appropriate samples from any Industrial User's discharge and conduct  
4     analyses to determine the concentrations of COD, TSS, pH, and Oil and Grease (O&G). If the sampling  
5     and analyses performed by the CEO or his designated assistant indicates concentrations of COD, TSS, and  
6     O&G exceeding the limits set forth in Section 14.2 below, he shall compute an extra-strength surcharge as  
7     set by the existing Sewer Rate Ordinance, and the owner shall be liable for payment of the amount thereof.

8     The collection of an extra-strength surcharge is not a penalty, but rather allows LRWRA to defray the costs  
9     of treating industrial wastewater concentrations that are above average domestic wastewater concentrations.

10    The surcharge shall be considered a sewer charge for which the owner shall be liable in accordance with the  
11    applicable law of the State of Arkansas and, upon default in such payment, LRWRA shall be entitled to all  
12    available remedies.

13    **14.2 Computation of Extra-Strength Surcharges**

14    The extra-strength surcharge shall be calculated in accordance with the provisions of the applicable rate  
15    ordinance (the same being incorporated by reference) using the following limits and calculations:

- 16           (1) COD in excess of 900 mg/L
- 17           (2) TSS in excess of 600 mg/L
- 18           (3) O&G in excess of 50 mg/L

19     $SURCHARGE = [(CODX - 900 \text{ mg/L}) (8.34) (V) (A)] + [(TSSX - 600 \text{ mg/L}) (8.34) (V) (B)] + [(O\&GX -$   
20     $50 \text{ mg/L}) (8.34) (V) (C)]$

- Where:
- CODX       = concentration of COD in mg/L
  - TSSX       = concentration of TSS in mg/L
  - O&GX       = concentration of O&G in mg/L
  - 8.34        = weight of one gallon of water, pounds
  - V           = flow in million gallons per month
  - A           = unit charge for COD as set forth in the Sewer Rate Ordinance
  - B           = unit charge for TSS as set forth in the Sewer Rate Ordinance
  - C           = unit charge for O&G as set forth in the Sewer Rate Ordinance

21

22    **14.3 Administrative Fees**

23    The CEO may adopt fees for reimbursement of costs of setting up and operating the Little Rock Water  
24    Reclamation Authority Industrial Pretreatment Program which may include, but is not limited to, the  
25    following:

26

- 1 A. Fees for Wastewater Discharge Permit applications including the cost of processing such
- 2 applications and reviewing construction plans;
- 3 B. Fees for monitoring, inspection, and surveillance procedures including the cost of sample
- 4 collection and analyzing a User's discharge, and reviewing monitoring reports or BMPs and
- 5 certification statements submitted by Users;
- 6 C. Fees for reviewing and responding to accidental discharge, including reasonable costs incurred
- 7 for labor, materials, and proper disposal of incompatible wastes not subject to treatment by the
- 8 POTW Treatment Plant;
- 9 D. Fees for reviewing written requests for discharge of special wastes;
- 10 E. Fees for filing appeals; and
- 11 F. Other fees as the CEO may deem necessary to carry out the requirements contained herein.
- 12 These fees relate solely to the matters covered by this ordinance and are separate from all other
- 13 fees, fines, and penalties chargeable by the City.

14 **SECTION 15 - SEVERABILITY**

15 The provisions of this ordinance are severable, and if any provision, paragraph, word, section, or article of  
16 this ordinance is invalidated by any court of competent jurisdiction, it shall not affect the remainder of this  
17 ordinance and the remaining provisions, paragraphs, words, sections, and articles shall not be affected and  
18 shall continue in full force and effect.

19 **SECTION 16 - REPEAL OF PRIOR ORDINANCE**

20 All ordinances and parts of ordinances inconsistent or conflicting with any part of this ordinance are hereby  
21 repealed to the extent of such inconsistency or conflict, including, but not limited to, Ordinance No. 19,895,  
22 adopted on December 21, 2007.

23 **SECTION 17 - AUTHORITY OF LITTLE ROCK WATER RECLAMATION COMMISSION,**  
24 **EFFECTIVE DATE, DECLARING AN EMERGENCY**

25 The City Board of Directors of the City of Little Rock has determined that it is essential that the Little Rock  
26 Water Reclamation Commission should have the authority to regulate the use of public and private sewers in  
27 accordance with the provisions contained in Little Rock, Ark., Ordinance No. \_\_\_\_\_ (September 3,  
28 2019) in order to accomplish the purposes thereof. Therefore, an emergency is thereby declared to exist,  
29 and the ordinance, being necessary for the immediate preservation of the public health, safety, and welfare,  
30 shall be in full force and effect immediately after its passage and approval.

31 PREPARED BY:

32  
33 Jean Block, Chief Legal Officer  
34 Little Rock Water Reclamation Authority  
35 11 Clearwater Drive  
36 Little Rock, AR 72204