

ORDINANCE NO. 160

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION, CONSTRUCTION, MAINTENANCE, AND CONNECTION OF BUILDING SEWERS; THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND FOR OTHER PURPOSES, ALL PERTAINING TO THE SEWER LINES AND SYSTEM WITHIN THE JURISDICTION OF THE CITY OF BARLING, ARKANSAS

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF BARLING, ARKANSAS, THAT:

SECTION 1: Definitions. When used in this Ordinance, the following terms shall have the stated meanings.

A. "The Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251, et seq.

B. "Approving Authority" shall refer to the City Administrator or his designated agent.

C. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20°C expressed in milligrams per liter (mg/L).

D. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside

the building wall.

E. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

F. "COD" (denoting Chemical Oxygen Demand) means measure of the oxygen consuming capacity of inorganic and organic matter present in the wastewater expressed in mg/L as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.

G. "Collector Building Sewer" shall mean a sewer on private property privately maintained, which serves more than one building sewer. Collector building sewers shall be constructed with manholes at grade changes, changes in alignment and at termini, and with a diameter of at least six (6) inches, and such sewers shall be located outside building walls and footings.

H. "Control Authority" shall mean the "Approving Authority" defined above.

I. "Environmental Protection Agency, or EPA" shall mean the U. S. Environmental Protection Agency or a duly authorized official of that agency.

J. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the

handling, storage and sale of produce.

K. "Indirect Discharge" shall mean the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307 (b) or (c) of the Act (33 U.S.C. 1317), into the POTW including holding tank waste discharged into the system.

L. "Industrial User" shall mean a source of Indirect Discharge which does not constitute a "Discharge of Pollutants" under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

M. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

N. "Inspector" shall mean the person or persons duly authorized by the City Administrator to inspect and approve the installation of the building sewers and their connections to the public sewer system.

O. "Interference" shall mean the inhibition or disruption of the POTW treatment process or operations which contributes to a violation of any requirement of the City's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Federal Water Pollution Control Act, (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the

Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State Sludge Management plan prepared pursuant to Title IV of SWDA applicable to the method of disposal or use employed by the POTW.

P. "National Categorical Pretreatment Standard or Pretreatment Standard" shall mean any regulation developed under the authority of 307 (b) of the Act and 40 C.F.R. Section 403.5.

Q. "National Pollutant Discharge Elimination System or NPDES Permit" shall mean a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

R. "Natural Outlet" shall mean any outlet into a water-course, pond, ditch, lake, or other body of surface or groundwater.

S. "Pretreatment or Treatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes, or by any other means, except as prohibited by 40 C.F.R. Section 403.6 (d).

T. "Owner" shall mean the "person" or "persons" who possess

any interest in the structure or property to which such ownership relates.

U. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

V. "pH" shall mean the logarithm of the reciprocal of the gram ionic hydrogen equivalents per liter or solution.

W. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in dimension.

X. "Public Sewer" shall mean a sewer in which all owners of abutting properties have substantially equal right and which is controlled by the City of Barling.

Y. "Publicly Owned Treatment Works (POTW)" shall mean a treatment works as defined by the Act, (33 U.S.C. 1292) which is owned or may in the future be owned by the City of Barling. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this Ordinance, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the City of Barling who are, by

contract or agreement with the City, users of Barling's POTWs. For the purposes of this Ordinance, POTW shall also include treatment works owned by any other municipality that treats sewage pursuant to an agreement, express or implied, with the City of Barling.

Z. "Sanitary Sewer" shall mean a sewer in which sewage is carried, and to which storm, surface and ground waters are not intentionally admitted.

AA. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industries.

BB. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

CC. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

DD. "Sewer" shall mean a pipe or conduit for carrying sewage.

EE. "Significant Industrial User" shall mean any industrial or commercial user of the City's wastewater disposal systems who:

(i) Has a discharge flow of 25,000 gallons or more per average work day, or

(ii) Has a flow greater than 5% of the flow in the wastewater treatment system, or

(iii) Has in the wastes discharged to the City toxic

pollutants as defined pursuant to Section 307 of the Act of Arkansas Statutes and Rules, or

(iv) Is found by the City, Arkansas Department of Pollution Control and Ecology (ADPC&E) or the EPA to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

GG. "Slug" shall mean any discharge of water, sewage, or industrial wastes which in concentration of any given constituent or in quantity or flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

HH. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface water and drainage, but excludes sewage and untreated industrial wastes, other than noncontact cooling water.

II. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

JJ. "Toxic Pollutant" shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the

Administrator of the Environmental Protection Agency under the provisions of Clean Water Act, Section 307 (a) or other Acts.

KK. "User" shall mean any person who contributes, causes or permits the contribution of wastewater into the POTWs.

LL. "Wastewater Contribution Permit" shall mean a permit to discharge to the City's wastewater treatment system as outlined in Section 8 of this Ordinance.

MM. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 2: Scope. The scope of this Ordinance shall include general requirements and prohibitions in respect to the connection, use, protection and maintenance of all sewers forming a part of the sanitary sewage system of the City of Barling, and this Ordinance does establish regulations limiting the discharge of all wastes into the sanitary sewer system which could or would cause damage or obstruction of the sewage collection system, which would damage or interfere with the operation of the sewage treatment plants, which would be detrimental to the quality of the effluent and/or the environment, which would contaminate the resulting sludges preventing the opportunity to recycle or reclaim them, or which would cause unreasonable maintenance, attention and expense to either the collection system or the treatment facilities of the POTW. Further, this Ordinance provi-

des penalties for violations of the regulations established herein.

SECTION 3: Use of Public Sewers Required.

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the City of Barling, Arkansas, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectional wastes.

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

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

D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and located within three hundred (300) feet of a public sewer shall, at his own expense, install suitable toilet

facilities therein, and connect such facilities to such accessible public sewer.

E. Other than building sewers and collector buildings sewers, all sewers constructed by owners to connect the building drains of structures to a public sewer shall be located within public easements or rights-of-way, shall be constructed by such owner to the standards required by the Approving Authority for public sewers, and shall be subject to use by other users of the public sewers if permitted by the Approving Authority. No sewer shall be constructed within any public easement or right-of-way nor connected to a public sewer without approval by the Approving Authority, which approval shall include the discretion to require any one of multiple possible routes and/or construction determined in accordance with standard engineering and plumbing practices, applicable City ordinances, and policy.

SECTION 4. Private Sewage Disposal.

A. Where a public sanitary sewer is not available under the provisions of Section 3D, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section.

B. Before commencement of construction of a private sewage disposal system, the owners shall obtain written approval by the

Approving Authority and any other State, Federal, or local authority. The owner shall make application for approval in writing and the application shall be supplemented by any plans, specifications, and other information as are deemed necessary by the Approving Authority.

C. The type, capacities, locations and layout of private sewage disposal systems shall comply with all recommendations of the State Department of Health of the State of Arkansas and the Pollution Control Commission.

D. When a public sewer becomes available as defined in Section 3D above, and the private sewage disposal system of such structure which was installed prior to the availability of such public sewer functions improperly, the owner of such structure shall connect the building sewer to the public sewer pursuant to the provisions of Section 3D above and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

SECTION 5: Building Sewers and Connections.

A. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb, any public sewer or appurtenance thereof without first obtaining a written permit from the Approving Authority.

B. The permit application shall provide such information, plans, and specifications considered pertinent in the judgment of the

Approving Authority. The permit fee in the sum of \$50.00 shall be paid to the City at the time the application is filed. There shall also be paid the sum of \$5.00 as an inspection fee upon the inspection of the Chief Plumbing Inspector which inspections shall be conducted at such times as are reasonably believed to be necessary during the course of construction or at completion and said inspection fee shall be paid for each such inspection.

C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owners shall indemnify the City from any loss or damage that may directly be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building except as follows:

(1) Where multiple buildings are constructed in an apartment complex or condominium on a single lot or tract of land which cannot be subsequently subdivided and sold in parcels, the individual buildings may be connected to a "collector building sewer" provided that only one person is responsible for maintenance of the building sewer.

(2) Temporary buildings, mobile homes, or similar portable structures may be connected to a building sewer installed to serve a previously constructed permanent building provided that both

the permanent and temporary buildings are located on the same lot.

E. Old building sewers, or portions thereof, may be used in connection with new buildings only when they are found on examination and test by the Inspector to meet all requirements of this Ordinance.

F. The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Barling and the State of Arkansas.

G. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Inspector. Pipe laying and backfill shall be performed in accordance with current American Society for Testing Materials (A.S.T.M.) specifications, except that no backfill shall be placed until the work has been inspected by the Inspector.

H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which

in turn is connected directly or indirectly to a public sanitary sewer.

I. The connection of the building sewer into the public sewer shall conform to the building and plumbing codes or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Approving Authority before installation.

J. The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be accomplished under the supervision of the Inspector.

K. All excavations for building sewer installation shall be adequately guarded with barricades and warning lights so as to warn the public of hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Approving Authority.

SECTION 6: Use of Public Sewers.

A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface

drainage, noncontact cooling water or unpolluted industrial process waters into any sanitary sewer but such waters shall be discharged into such sewers as are specifically designated as storm sewer or into a natural outlet. The discharge into any storm sewer or into a natural outlet of any waters which may have a deleterious effect upon the receiving stream is prohibited.

B. General Discharge Prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW, or will have an adverse effect on the receiving stream, or will violate any of the provisions of this Ordinance. These general provisions apply to all users of the POTWs whether or not the user is subject to national categorical pretreatment standards of any other national, state, or local pretreatment standards or requirements. A user shall not contribute any of the following substances to any POTW:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or to be injurious in any other way to the POTW or to the operation thereof. If an explosion hazard meter is used to test the nature or quantity of such contribution, at no time shall two successive readings on the explosion hazard meter, at the point of discharge into the system (or

at any point in the system), be more than five percent (5%) nor any single reading be more than ten percent (10%) of the lower explosive limit of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and other substances which the City, the State or EPA has notified the user is a fire hazard or a hazard to the system.

(2) Any wastewater having a pH less than 6.0, or having a pH greater than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(3) Any solid or viscous material which could cause an obstruction to the flow in the sewer or in any way interfere with the treatment process. Examples of such materials include, but are not limited to, ashes, wax, paraffin, cinders, sand, mud, straw, shavings, wood and sawdust, bones, paunch manure, hair, hides or fleshings, entrails, whole blood, feathers, lime slurries, beer and distillery slops, grain processing wastes, grinding compounds and residues from grinding operations, acetylene generation sludge, chemical residues, acid residues, plastics, tar, asphalt residues, and food processing bulk solids.

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

(5) Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with a temperature that raises the wastewater temperature of the influent to the POTW to more than 40°C (104°F), and in no case any wastewater with a temperature in excess of 65°C (150°F) measured as it enters the POTW.

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

(7) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving

waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard.

(8) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 horsepower metric) or greater shall be subject to review and approval by the Approving Authority.

(9) Any substance which will cause the POTW to violate its NPDES Permit or the receiving stream water quality standards.

(10) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act, any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or Arkansas State criteria applicable to the sludge management method being used.

(11) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(12) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable State or Federal regulations.

(13) Any wastewaters containing materials which exert or cause unusual concentrations of solids or composition; as for example, unusual concentrations of inert suspended solids such as, but not limited to, fuller's earth, lime slurries and lime residues, or, unusual concentrations or dissolved solids such as, but not limited to, sodium chloride, calcium chloride and sodium sulfate.

(14) Any septic tank sludge, except that such a sludge may be discharged by permitted haulers into selected treatment plants only at locations designated for this purpose.

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

C. Federal Categorical Pretreatment Standards. When a user producing industrial waste or commercial waste is identified as a significant contributing industry, Federal categorical pretreatment standards for the particular category of user will determine the characteristics of permissible waste discharges and the degrees of pretreatment required. In cases where the Approving Authority deems it necessary to impose more stringent requirements, or where removals

within the system permit less stringent requirements, or where no EPA guidelines exist, the provisions of this Section shall apply. Upon promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the specific limitations imposed under this Ordinance.

D. Specific Pollutant Limitations. No person shall discharge or cause to be discharged into the Barling sewer system any wastewater containing substances limited as follows:

(1) Any heavy metals or toxic materials in excess of the following concentration limits:

<u>Heavy Metal or Toxic Material</u>	<u>Limit Discharged by Industry (mg/L)</u>	<u>Limit Received at POTW (mg/L)</u>
Arsenic	0.05	0.05
Barium	5.00	5.00
Boron	1.00	1.00
Cadmium	1.2	0.02
Chromium	7.0	0.50
Copper	4.5	0.20
Lead	0.6	0.10
Manganese	2.0	1.00
Mercury	0.005	0.005
Nickel	4.1	0.50
Selenium	0.02	0.02
Silver	0.1	0.10
Zinc	4.2	0.50
Cyanide	0.8	0.05

If industry compliance with the above stated limits fails to maintain the concentration limits received at the POTW, then limits

for industry may be further reduced to the extent necessary to prevent concentrations from exceeding the limits received at the POTW.

(2) Any significant trace of the following that would constitute a hazard to human health, have an adverse effect on the water quality of the receiving stream or interfere with the operation of the POTW:

Antimony	Molybdenum	Fungicides
Beryllium	Tin	Uranium
Bismuth	Pesticides	Rhenium
Cobalt	Herbicides	Strontium
		Tellurium

(3) Chloride measured as total Chloride in concentration in excess of 500 mg/L.

(4) Phenols or other taste or odor producing substances in such concentrations that exceed the limits which may be established by the City as necessary to comply with State or Federal regulation.

(5) Greases, oils, fats or waxes whether emulsified or not, in concentrations in excess of one hundred (100) mg/L for non-saponifiable (petroleum and mineral) substances and one hundred fifty (150) mg/L for saponifiable (animal and vegetable) substances. Substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred four (104) degrees F shall be prohibited.

(6) Sulfides in concentrations in excess of 5.0 mg/L.

(7) Materials which exert or cause BOD₅ and/or suspended solids concentrations in excess of 450 mg/L or 180 ppd whichever results in the higher mass emission.

(8) Special Agreements. Nothing in this Section shall be construed as preventing any special agreement or arrangement between the City and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable.

F. Accidental Discharges. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Upon request by the Approving Authority, a detailed plan showing facilities and operating procedures to provide this protection shall be submitted to the Approving Authority for the review and approval. In the case of any accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include the cause of the discharge, the location of discharge, type of waste, concentration and volume and corrective actions taken. The user shall submit to the Approving Authority within seven (7) days following the accidental discharge a detailed written report

describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liabilities which may be imposed by this Ordinance.

G. Storage of Dangerous Materials. The storage of any material in areas served by public sewers or in areas draining into the City sewer which, because of discharge or leakage from such storage, may create an explosion hazard in sewage works or in any other way have a deleterious effect upon these works or treatment processes, or constitute a hazard to human beings or animals, or the receiving stream shall be subject to review by the Approving Authority, who at his discretion may require reasonable safeguards to prevent discharge or leakage of such materials into the sewers.

H. If any waters or wastes are discharged or are proposed to be discharged into the public sewers, which waters contain the substances or possess the characteristics enumerated in the preceding subsections and which, in the judgment of the Approving Authority may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise creates a hazard to life or

constitutes a public nuisance, the Approving Authority may (a) reject the wastes, (b) require pretreatment to an acceptable condition for discharge into the public sewers, and/or (c) require control over the quantities and rates of discharge.

If the Approving Authority permits the pretreatment or equalization of waste flows to be discharged into the public sewer, the design and installation of the plants and equipment shall be subject to the review and approval of the Approving Authority and subject to the requirements of all applicable codes, ordinances and laws.

I. Grease, oil and grit interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients. All interceptors shall be of a type and capacity approved by the Approving Authority and shall be located as to be readily and easily accessible for cleaning and inspection.

J. Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

K. When required by the Approving Authority, the owner of any property serviced by a building sewer carrying industrial wastes

shall install a suitable control manhole together with such necessary matter and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed to be in accordance with plans approved by the Approving Authority. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

When directed to do so by the Approving Authority, the owner of any property discharging industrial wastes shall, at his expense, obtain a representative sample of his wastewater and have the appropriate physical, chemical and biological tests performed on this sample by a qualified testing laboratory acceptable to the Approving Authority. The purpose of such tests shall be to determine the conformance of the wastewater characteristics to this Ordinance. A report shall be made in writing to the Approving Authority by the laboratory stating the results of the tests.

L. All measurements, test and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association and shall be

determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been provided, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence on hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD, COD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas the pH's and oil and grease tests are determined from grab samples taken periodically.

SECTION 7: Septic Tank Truck Discharge Permit. All persons owning vacuum or "septic tank" pump trucks, or other liquid transport trucks, who wish to discharge septic tank, portable toilet, seepage pit, interceptor or cesspool contents, industrial liquid waste or other liquid wastes to the POTW shall first have a valid vacuum truck discharge permit. All applicants for the vacuum truck discharge permit shall complete the application form, pay the appropriate permit fee, receive a copy of this Ordinance governing discharge of wastes to

sewers and shall agree, in writing, to abide by this Ordinance.

Trucks hauling industrial waste shall discharge only after reporting the source and composition of the waste to the POTW at the authorized discharge site. Trucks hauling only septic tank, portable toilet, seepage pit, interceptor or cesspool contents are exempted from the above reporting requirement. However, discharge of these wastes is also restricted to a site(s) authorized by the Approving Authority.

The septic tank discharge permit fee shall be \$500.00 per year from date of issuance.

SECTION 8: Wastewater Contribution Permit.

A. It is the purpose of this Section to achieve the following:

- (1) To protect the operation of the POTW.
- (2) To prevent inadequately treated pollutants from passing through the POTW, and
- (3) To insure the City of Barling's compliance with all aspects of its NPDES permits, including those aspects dealing with operations to recycle, reclaim or dispose of the sludge generated at the City's POTW's.

B. All significant industrial or commercial users who wish to connect to or to contribute to the POTW shall obtain a Wastewater

Contribution Permit before connecting or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall apply for a Wastewater Contribution Permit within thirty (30) days after the effective date of the Ordinance.

At the direction of the Approving Authority, the Wastewater Contribution Permit may contain: limits on maximum and average wastewater characteristics; limits on average and maximum rate and time of discharge, or requirements for flow regulation and equalization requirements for installation and maintenance of inspection and sampling facilities; specifications for monitoring programs which will include sampling locations, frequency of sampling, number, types and parameters for tests and reporting/compliance schedules; other conditions as deemed necessary by the Approving Authority to insure compliance with the Ordinance. All costs of sampling and testing for the monitoring program are to be borne by the user.

C. Application for Wastewater Contribution Permit. Users required to obtain a Wastewater Contribution Permit shall complete and file with the Approving Authority an application in the form prescribed by the Approving Authority. Proposed new users shall apply for such permit at least ninety (90) days prior to connecting to or contributing to the POTW. Upon receipt of the application, the Approving Authority will evaluate the data furnished and, if the data

is acceptable, may issue a Wastewater Contribution Permit. The fee for the permit shall be based on a derived costing of \$74.00 per month and \$62.00 per monitoring sample for each industry for which a Wastewater Contribution Permit will be required.

D. Modification of Wastewater Contribution Permit Restrictions. Within nine (9) months of the promulgation of the National Categorical Pretreatment Standard, the Wastewater Contribution Permit of users subject to that standard shall be revised to require compliance with such standard within the time frame prescribed by the Standard. Any user with an existing Wastewater Contribution Permit shall submit to the Approving Authority, within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard, the following information: The nature and concentration of any pollutants in the discharge which are limited by such Standard; a statement regarding whether such Standard is being met on a consistent basis and, if not, whether additional operations and maintenance and/or additional pretreatment is required to meet such Standard; and if additional pretreatment and/or operation and maintenance will be required to meet such Standard, the shortest possible schedule by which the user will provide such additional pretreatment and/or operation and maintenance and the completion date shall not be later than the compliance date established for such

Standard. The user shall submit this information in a format as directed by the Approving Authority. Any user, who is subject to a National Categorical Pretreatment Standard and who has not previously submitted an application for a Wastewater Contribution Permit, shall submit said application within one hundred eighty (180) days after the promulgation of the applicable pretreatment standard.

E. Wastewater Contribution Permits Duration. Shall be issued for specific period of time, not to exceed two (2) years.

The user shall apply for permit reissuance a minimum of sixty (60) days prior to the expiration of the existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limits or requirements in Section 6 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

F. Permit Transfer. Wastewater Contribution Permits are issued to a specific user for a specific operation and therefore are not to be transferred or reassigned or sold to a new owner, new user, different premises or new or changed operation without approval of the Approving Authority.

SECTION 9: Reporting Requirements.

A. Compliance Date Report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to Pretreatment Standards and requirements whether they are initially constructing a pretreatment facility or adding to a previous facility shall submit to the City a report indicating the nature and concentration of all pollutants in the discharge from the regulated processes which are limited by Pretreatment Standards and requirements and the average and maximum daily flow, by month, for those process units in the user facility which are limited by such Pretreatment Standards or requirements. The report shall state whether the applicable Pretreatment Standards or requirements are being met on a consistent bases and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards or requirements.

B. Periodic Compliance Reports. Any user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the POTW, or in the case of any user required to self-monitor his discharge as established in the User's Wastewater

Contribution Permit, after the effective date of the Permit, shall submit periodic compliance reports to the Approving Authority on a quarterly basis, unless required more frequently in the Pretreatment Standard or by the City in the Wastewater Contribution Permit.

C. The City shall annually publish in a local newspaper with the largest daily circulation in the area a list of the users which were significant violators of Pretreatment Standards or their Wastewater Contribution Permits during the previous twelve (12) months. Significant violators shall be defined by the most current Federal Regulations. The notification shall also include a summary of any enforcement action taken against the violator during the same twelve (12) months.

SECTION 10: Protection From Damage.

A. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works.

B. No unauthorized person shall cover any manhole on a public sewer with earth or paving, or otherwise render it inaccessible.

C. No unauthorized person shall remove the earth cover from a public sewer so that less than two (2) feet of earth cover remains

over the pipe bells. Approval to remove subsequent cover shall require written consent from the Approving Authority.

SECTION 11: Powers and Authorities of Inspectors.

A. The Approving Authority, Inspector and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of the Ordinance. The Approving Authority or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. Authorized personnel shall have authority to inspect and copy records pertaining to the discharge of wastewater in the collection system.

B. An Industrial User may request that specific information which must be submitted to the City be kept confidential. A statement notifying the Industrial User that this information, identifying the nature and frequency of discharge, submitted with each Wastewater Contribution Permit Application and Industrial Waste Questionnaire shall be available to the public without restriction is included on each questionnaire. The statement also notifies the User that the city

will follow the requirements of 40 C.F.R. Part 2 in its evaluation and approval or denial of each user's request for confidentiality.

Generally, to be considered as confidential, information would have to meet one or more of the following criteria:

1. It would have to divulge substances, devices, or processes that are patented or for which patents are being sought. This pertains to manufacturing processes, product development, and waste treatment.
2. It would have to divulge financial data.
3. The Industrial User would have to employ processes or produce substances that the nature of which is "Classified" (for military, Federal Intelligence, nuclear power, and some space exploration industries).

Where confidentiality is granted, confidential material shall be removed from the files available for public inspection and kept in a separate, locked file cabinet under control of the Industrial Waste Inspector.

C. While performing the necessary work on a private property referred to in Section 11A, such duly authorized person shall observe all safety rules applicable to the premises.

SECTION 12: Penalties.

A. Any person found to be violating any provisions of this Ordinance or regulations, except Section 10, shall be served by the

Approving Authority with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The user may in writing deliver to the Approving Authority within five (5) days of receipt of such notice a request for a hearing before the Approving Authority at which hearing the user shall be given an opportunity to show cause why the notice should be rescinded or modified.

B. Any person who shall continue any violation beyond the time limit provided for in Subsection A of the Section and/or any person who shall be found to be violating the provisions of Section 10 of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not more than \$500.00 for each violation, or double that sum for each repetition of such offense or violation, and if the act is continuous in nature, in any sum not more than \$250.00 for each day that the same shall be unlawfully continued.

C. Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

D. In cases of repeated violations, the Approving Authority may revoke the permit for discharge of wastes into the sewer system

and effect the discontinuation of water or sewer services, or both.

E. The City shall have authority, after informal notice to the discharger, to immediately and effectively halt or prevent any discharge of pollutants to the sanitary sewer system which reasonably appears to present an imminent danger to the health or welfare of persons, or which threatens to interfere with the operation of the City's treatment facilities.

SECTION 13: Validity.

A. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed. Specifically, Ordinance No. 90 of the City of Barling, is hereby repealed.

B. Should any portion of this Ordinance be unconstitutional or invalid and so declared by a Court of competent jurisdiction, then the remainder of this Ordinance, and any remaining applications of this Ordinance, shall not be affected by such partial unconstitutionality or invalidity.

SECTION 14: Emergency Clause. It is hereby determined and declared that an emergency exists by reason of the necessity of establishing reasonable controls over the disposal of waste and wastewaters within the City and with reference to the operation of the City's facilities and that the immediate effect of the provisions of this Ordinance are necessary to preserve the health, safety and

welfare of the inhabitants of the City so that it is hereby declared and determined that this Ordinance shall be in full force and effect as of the date of its adoption.

PASSED AND APPROVED this 16th day of October,
1984.

Jerry Barling
Mayor

Attest:

Shirley Fongel
City Clerk