

ORDINANCE NO. 2019- 185

**AN ORDINANCE TO ADOPT THE 2019 REVISED
PRETREATMENT PROGRAM SPECIFICATIONS FOR THE
CITY OF BENTONVILLE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE
CITY OF BENTONVILLE, ARKANSAS,**

Section 1. That the following code, 3 copies of which are on file with the City Clerk, are hereby adopted by reference as though they were copied herein fully:

2019 Revised Pretreatment Program Specifications

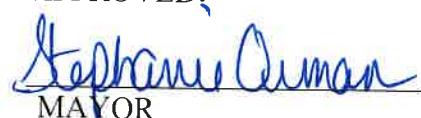
Section 2. That any matters in said codes which are contrary to existing ordinances of the City of Bentonville, Arkansas shall prevail, and that any ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. That within said codes, when reference is made to the duties of a certain official named therein, that designated official of the City of Bentonville who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned.

PASSED and APPROVED this 10th day of December, 2019.



APPROVED:


Stephanie Quisenberry
MAYOR


Linda Spence
CITY CLERK



CITY OF BENTONVILLE

Pretreatment Program Specifications

INCLUDES

Fats, Oil, and Grease Control Program Manual

Petroleum Oil, Grease, and Sand Control Program Manual

2019

Council Approved – 12/10/19

Ordinance – 2019-185

Approved by Arkansas Department of Environmental Quality – August 30th, 2019

**CITY OF BENTONVILLE
WASTWATER UTILITIES
PRETREATMENT DIVISION
1901 NE "A" STREET
BENTONVILLE, AR 72712**

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PART 1 – PRETREATMENT PROGRAM SPECIFICATIONS

Section 1 GENERAL INFORMATION

These specifications sets forth uniform requirements for Users of the City of Bentonville Publicly Owned Treatment Works (POTW) and enables the City of Bentonville to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403).

1.1 Objectives:

- 1.1.1 To enable the City to comply with and enforce all applicable State and Federal laws required by the Arkansas Water and Air Pollution Control Act, Act. 472 of 1949, as amended, the Clean Water Act of 1977, (33 United States Code [U.S.C.] section 1251 et seq.) as amended, and as promulgated by the United States Environmental Protection Agency the General Pretreatment Regulation (40 CFR Part 403), including the Dental Office Point Source Category (40 CFR Part 441);
- 1.1.2 To prevent the introduction of pollutants into the municipal wastewater system that may interfere with the operation of the system or contaminate the sludge;
- 1.1.3 To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or will otherwise be incompatible with the system.
- 1.1.4 To improve the opportunity to recycle and reclaim wastewater and sludge from the system;
- 1.1.5 To provide for equitable distribution of the cost of the municipal wastewater system;
- 1.1.6 To prevent oil, grease or debris from reducing or restricting the flow in sewer lines and contributing to sanitary sewer overflows.
- 1.1.7 To create a permit system to regulate non-domestic users to the municipal wastewater system;
- 1.1.8 To enforce the provisions of this document by monitoring of waste from industrial users. Monitoring may include either self-monitoring and self-reporting or periodic sampling made by the industrial pretreatment personnel. The method of monitoring will be determined by the Control Authority.
- 1.1.9 To provide penalties for violations of the regulations established herein.
- 1.1.10 To encourage Pollution Prevention (P2) activities through waste minimization, source reduction, best management practices (BMPs), water and energy conservation
- 1.1.11 To enable the City of Bentonville to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.
- 1.1.12 To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public.

1.1.13 These specifications shall apply to all Users of the POTW. These specifications authorizes the issuance of individual or general wastewater discharge permits; provides for the monitoring, compliance, and enforcement activities; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 **Administration.** Except as otherwise provided herein; the Wastewater Treatment Plant Manager shall administer, implement and enforce the provisions of those specifications as written within this document. Any powers granted to or duties imposed upon the Wastewater Treatment Plant Manager may be delegated by the Wastewater Treatment Plant Manager to other City Personnel.

1.3 **Applicability.** These specifications shall apply to all persons within the corporate limits of the City of Bentonville, Arkansas, and its terms shall, by contract, apply to all persons outside the City who are users of the City Publicly Owned Treatment Works (POTW). The City shall not provide sanitary sewer service to any person outside its corporate boundaries without a contractual agreement setting forth the terms and conditions of such service. All such contracts shall include a provision incorporating the provisions of these specifications and no such contract shall be valid unless the provisions of these specifications are so incorporated.

1.4 **General Provisions**

1.4.1 The City Council shall establish such fees for sewer service and connection as are necessary to properly maintain and operate the Sewage Works. The City Council shall also establish such regulations for private sewage disposal systems as to insure their operation in a sanitary manner at all times.

1.4.2 No Person shall connect to or contribute to a sanitary sewer without first obtaining a Plumbing Permit from the City.

1.4.3 Owners or agents of industrial establishments proposing to connect to or contribute to a sanitary sewer shall submit an application for a Wastewater Discharge Permit before connecting to or contributing to the sewer. Owners or agents of existing establishments discharging wastewater into the Bentonville sewage works shall submit an application for a Wastewater Discharge Permit for continued operation within thirty (30) days after receipt of notification in writing that such a permit is required for continued operation.

1.4.4 Liquid hauled waste introduced to the City Publicly Owned Treatment Works by truck must be in compliance with these specifications to regulate the transportation and disposal of liquid waste within the jurisdiction of the City of Bentonville.

1.4.5 Liquid hauled waste generated within the limits of the City must be removed by a waste hauler with a current waste hauler's permit from the Control Authority.

1.4.6 All commercial users of the POTW whether or not they are subject to categorical pretreatment standards or other National, State, or Local pretreatment standards or requirements shall abide by the programs as written. Any violation of the programs as written is hereby a violation of these specifications. Enforcement of the written programs will be in accordance with the enforcement section of each program and Section 10 of the Pretreatment Program Specifications.

1.5 Control Program Development

- 1.5.1 As an extension of the Pretreatment Program Specifications, the City of Bentonville will develop specific programs to address certain specific prohibitions as described under Section 2 of the Pretreatment Program Specifications. Currently programs have been developed for the Fats, Oil, and Grease Control Program, and the Petroleum Oil, Grease, and Sand Control Program. The specifications for these programs are included as part of this document as Part 2 & 3, respectively. These programs were developed to control issues which would cause obstruction to the flow in the POTW collection system resulting in harm, interference, pass-through, NPDES permit violations and/or sanitary sewer overflows or allows pass-through of substances which may cause the POTW's effluent or any other product of the POTW, such as residues, sludge, or scum, to be unsuitable for normal landfill/land application, reclamation, or reuse, or to interfere with the reclamation process.
- 1.5.2 All commercial users of the POTW whether or not they are subject to categorical pretreatment standards or other National, State, or Local pretreatment standards or requirements shall abide by the programs as written. Any violation of the programs as written is hereby a violation of these specifications. Enforcement of the written programs will be in accordance with the enforcement section of each program and Section 10 of the Pretreatment Program Specifications.
- 1.5.3 The Program(s) will be reviewed & revised by the Director of Public Works, the Wastewater Manager, the Lab/Pretreatment Supervisor, and pretreatment staff on a bi-annual basis. If changes are required those changes will be submitted to and approved by the City of Bentonville Board of Directors and the Arkansas Department of Environmental Quality.

1.6 Pretreatment Facilities

- 1.6.1 Industrial Users shall provide necessary wastewater treatment as required to comply with these specifications and shall achieve compliance with all Pretreatment Standards and Requirements within the limitations as specified by the Federal Pretreatment Regulations as adopted into Section 6.104 of the Arkansas Pollution Control and Ecology Commission Regulation No. 6; Regulations for State Administration of the National Pollutant Discharge Elimination System.
- 1.6.2 It shall be the responsibility of any person, owner, or occupant discharging waste into the sanitary sewer system of the City to furnish the Control Authority with drawings or plans and specifications in such detail as it may require, to determine if the pretreatment structure planned by such person is adequate to provide necessary pretreatment and makes sufficient allowances for emergency operation. Detailed plans showing the pretreatment facilities and an outline of the pretreatment facility operating procedures shall be prepared by a Registered Professional Engineer and submitted to the Control Authority for review. All plans shall be approved by the Control Authority prior to the facility construction. The user shall insure that construction of said treatment facility is accomplished within the time period specified by the City. However, the providing of such plans to the Control Authority will in no way release such person of the responsibility for modifying the structure once constructed as necessary to provide an effluent acceptable under the terms of this Document.
- 1.6.3 Any facilities required to pre-treat wastewater to a level acceptable under the terms of these specifications, shall be provided, operated and maintained at the user's expense.

Section 2 DISCHARGE REGULATIONS

21 General Discharge Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or another National, State, or local pretreatment standards or requirements.

22 Specific Prohibitions. No person shall discharge or cause to be discharged into the POTW or other water course within the City any of the following described substances, materials, waters or wastes:

221 Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40° C. (104° F.)

222 Any pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140° Fahrenheit or 60°C. using the test methods specified in 40 CFR 261.21.

223 Any solid or viscous substance in quantities capable of causing obstruction in the sewerflow or other interference with proper operation of the POTW, such as, but not limited to: ashes, cinders, egg shells, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair, hides or fleshing's, entrails, lime slurry, lime residues, slops, chemical residues, paint residues, bulk solids, garbage with particles greater than one-half inch (½") and any water or waste which contains gas, grease or oil, plastic, or other substance that will solidify or become discernibly viscous at temperatures at or below 0° Centigrade.

224 Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludge, or scum, to be unsuitable for normal landfill/land application, reclamation, or 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 development pursuant to the Solid Waste Disposal Act, the Toxic Substance Control Act, the Resource Conservation and Recovery Act, or State criteria applicable to sludge management disposal method being used.

225 A noxious or malodorous substance which can form a gas which either singularly or by interacting with other waste is capable of causing objectionable odors or hazards to life or which can create any other condition deleterious to structures or processes, or requiring unusual provisions, attentions, or expense to handle.

226 Any material which may cause excessive discoloration, such as but not limited to, dye wastes and vegetable tanning solutions where the discoloration will not be removed by the sewage treatment processes.

227 Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts exceeding one hundred milligrams per liter (100 mg/L) unless expressly authorized differently by the Control Authority upon written request by a User.

- 228 Any concentration of free or emulsified oil and/or grease of free or emulsified animal or vegetable origin that, in a particular case can: (a) deposit grease or oil in sewer lines in such a manner as to clog the sewers; (b) overload skimming and grease- handling equipment; or (c) have deleterious effects on the treatment process due to the excessive quantities.
- 229 Any wastewater having a pH less than 5.0 or greater than 12.0, or wastewater having any other corrosive or acidic property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.
- 2210 Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause pass through or interference with the POTW, or cause toxicity in the POTW effluent.
- 2211 Any trucked or hauled pollutants, except permitted by the Control Authority and discharged at points designated by the POTW.
- 2212 Medical Waste; except as specifically authorized by the Control Authority, including unused or expired medications, whether prescribed or purchased over the counter.
- 2213 Wastewater that contains contaminates which, alone or in conjunction with other contaminates, causes the POTW to fail a whole effluent toxicity test.
- 2214 Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in quantity that may cause acute health and/or safety problems to POTW employees or others.
- 2215 Pharmaceutical drugs from any commercial for-profit entity.
- 2216 Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Control Authority.
- 2217 Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

Section 3 PRETREATMENT STANDARDS AND REGULATIONS

- 31 **Federal Categorical Pretreatment Standards.** Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the City shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- 32 **Technically Based Local Limits.** Local Limits are developed, implemented and enforced to protect against pass through and Interference. No Industrial User shall discharge or cause to be discharged into the POTW any wastewater pollutant concentration exceeding the Technically Based Local Limits (TBLL's) developed from time to time by the City pretreatment and wastewater staff as required in City's NPDES permit, 40 CFR 403.5 (c) and approved by ADEQ. TBLL's (if necessary) based on calculated site specific Maximum Allowable Industrial Loadings are located in the City's Pretreatment Program. At the discretion of the City pretreatment and wastewater authority, TBLL's shall be allocated, imposed and shall apply at the "monitoring point" described in the individual industrial wastewater discharge permits. All concentration limits for metals shall be in terms of "total"

metals unless otherwise indicated. At the discretion of the City pretreatment and wastewater authority, mass limitations may be imposed in addition to or in place of concentration based TBLL's. The City pretreatment and wastewater authority may also develop BMPs in individual wastewater discharge permits, to implement specific pollutant limitations. Such BMPs shall be considered Local Limits and Pretreatment Standards. When new Local Limits are implemented or revised, the City pretreatment and wastewater authority, will provide individual notice to parties who have requested such notice and an opportunity to respond, as set forth by 40 CFR 403.5 (c) (3). This requirement of notice also applies when Local Limits are set on a case-by-case basis.

- 33 State Pretreatment Standards.** In the event State, Local or Federal requirements on discharge limitations differ, the most stringent limits shall apply.
- 34 Right of Revision.** The City of Bentonville reserves the right to establish, by program specifications, in wastewater discharge permits, or by policies more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in these specifications or the general and specific prohibitions of these specifications.
- 35 Best Management Practices and Pollution Prevention.** The City of Bentonville may develop and require implementation of Best Management Practices and Pollution Prevention procedures by un-permitted as well as permitted industrial users to allow compliance by the POTW with the Maximum Allowable Headwork Loadings established in this document. The City of Bentonville may also allow implementation of Best Management Practices and Pollution Prevention to be on a voluntary basis if it is determined that this is the most appropriate approach. Best Management Practices will be specific procedures developed by the Control Authority to be implemented by the individual businesses designed to reduce the loading of a particular pollutant. Pollution Prevention is defined in, Appendix B (#82) of this document. SIU's and IU's operating under BMP's must submit to the control Authority reports indicating the nature, concentration of pollutants in the discharge limited by Pretreatment Standards and measured or estimated average daily flows for the reporting period, no less than twice per year unless expressly stated differently in 40 CFR 403 or a Categorical Pretreatment Standard. The required documentation must be sufficient to determine the compliance status of the IU.
- 36 Dilution.** No industrial user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Control Authority may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

Section 4 ACCIDENTAL DISCHARGES

- 4.1 Accidental Discharge/Slug Control Plans.** The Control Authority shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Control Authority may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:
 - 4.1.1 Description of discharge practices, including non-routine batch discharges.

- 4.1.2 Description of stored chemicals.
- 4.1.3 Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Section 2 of this document.
- 4.1.4 Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
- 4.1.5 The SIU shall notify the Control Authority immediately of changes that occur at the facility affecting the potential for a slug discharge. The Control Authority may deny or impose restrictions due to changes in content or increased flow.
- 4.1.6 Evaluation of a slug discharge plan must be made within one year of identifying a SIU.

42 Written Reports

- 4.2.1 In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in Section 2 of these specifications), it is the responsibility of the industrial user to immediately telephone and notify the Control Authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.
- 4.2.2 Within five (5) days following an accidental discharge, the user shall submit to the Control Authority a detailed written report describing the nature and 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 the POTW, the environment, or any other damage to persons or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed by these specifications or other applicable law.
- 4.2.3 Failure to notify the Control Authority of an accidental discharge may result in legal action or discontinuation of service.

- 4.3 **Notice to Employees.** As a part of the accidental spill prevention plan, a notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of an accidental discharge. Employers shall insure that all appropriate employees be advised of the emergency notification procedures to be used in the event of an accidental discharge.

Section 5 INDUSTRIAL WASTEWATER DISCHARGE PERMITS

- 5.1 **Wastewater Survey.** When requested by the Control Authority all users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Control Authority is authorized

to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of these specifications. New industrial users must complete the survey during the City of Bentonville's Development Review Process.

52 Wastewater Discharge Permit Requirement

521 It shall be unlawful for any significant industrial user to discharge wastewater into the Control Authority's POTW without first obtaining a wastewater discharge permit from the Control Authority. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of these specifications and subjects the wastewater discharge permittee to the enforcement provisions of these specifications. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.

522 The Control Authority may require other users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of these specifications.

523 Liquid waste haulers may discharge loads only at locations designated by the Control Authority. No load may be discharged without prior consent of the Control Authority. The Control Authority may collect samples of each hauled load to ensure compliance with applicable standards. The Control Authority may require the liquid waste hauler to provide a waste analysis of any load prior to discharge.

53 **Wastewater Discharge Permitting of Existing Connections.** Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of this document and who wishes to continue such discharges in the future, shall, within 90 days after said date, apply to the Control Authority for a wastewater discharge permit, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this document except in accordance with a wastewater discharge permit issued by the Control Authority.

54 **Wastewater Discharge Permitting of New Connections.** Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least 90 days prior to the date upon which any discharge will begin.

55 **Wastewater Discharge Permitting of Extra Jurisdictional Industrial Users.** Any new or existing significant industrial user located beyond the City of Bentonville limits, which is connected to the City's wastewater collection system, shall submit a wastewater discharge permit application within 90 days of the effective date of these specifications. Alternately, the Control Authority may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user.

56 **Application.** Users required to obtain an industrial wastewater discharge permit shall complete and file with the city an application in the form prescribed by the City. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information as applicable:

- A. Name, address and location of facility;
- B. Name, address of duly authorized representative to receive and transmit all correspondence;
- C. Environmental Permits. A list of any environmental control permits held by or for the facility.
 - a. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended and NAICS number, North American Industry Classification System developed under the auspices of the Office of Management and Budget (OMB), and adopted in 1997.
 - b. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - c. Wastewater constituents and characteristics, including but not limited to those mentioned in Section 2, as determined by an ADEQ certified analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Federal Water Pollution Control Act and contained in 40 CFR, Part 136 as amended. The sample(s) shall be representative of daily operations. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard.
- D. Time and duration of contribution;
- E. Average daily and peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- F. Comprehensive site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, floor drains and appurtenances by size, location and elevation;
- G. The location for monitoring all wastes covered by the permit;
- H. Comprehensive narrative description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged;
- I. Nature and concentration of any pollutants in the discharge which is limited by any City, State or Federal Pretreatment Standard, and a statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether or not the pretreatment standard is being met on a consistent basis and if not, whether additional Operation and Maintenance (O & M) and/or additional pretreatment is required for the user to meet the applicable pretreatment standard;
- J. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule possible will be used;
- K. Each product produced by type, amount, process and rate of production;
- L. Type and amount of raw materials processed (average and maximum per day);

- M. Number of employees, hours of plant operation, and proposed or actual hours of operation of pretreatment system;
- N. Pollution Prevention (P2) activities such as source reduction, waste minimization, environmental management systems, water and energy conservation;
- O. Any relevant information as may be deemed by the City to be necessary to evaluate the permit application, and;
- P. Signature; the certification statement under Section 6.13 shall be on the permit application and signed by an authorized representative of the industrial user.
- Q. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Control Authority prior to or together with any reports to be signed by an Authorized Representative.
- R. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

5.7 Individual Wastewater Discharge Permit Decisions. The Control Authority will evaluate the data furnished by the User and may require additional information. Within 90 days of receipt of a complete permit application, the Control Authority will determine whether to issue an individual wastewater discharge permit. The Control Authority may deny any application for an individual wastewater discharge permit.

5.8 Individual Wastewater Discharge Permit Contents. An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Control Authority to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

5.8.1 Individual wastewater discharge permits must contain:

- A. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- B. A statement that the wastewater discharge permit is nontransferable without prior notification to the Control Authority in accordance with, Section 5.11 of this document, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- C. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- D. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

- E. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- F. Requirements to control Slug Discharge, if determined by the Control Authority to be necessary. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:
 - a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - b) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - c) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
 - d) Development and implementation of Pollution Prevention (P2) activities such as source reduction and waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - e) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
 - f) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
 - g) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and
 - h) Other conditions as deemed appropriate by the Control Authority to ensure compliance with this document, and State and Federal laws, rules, and regulations.

5.9 Individual Wastewater Discharge Permit Duration. An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Control Authority. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

5.10 Permit Modifications. The Control Authority may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

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

- B. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
- E. Threats to the POTW's beneficial sludge use;
- F. Violation of any terms or conditions of the individual wastewater discharge permit;
- G. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- H. To correct typographical or other errors in the individual wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with this document.

5.11 Permit Transfer. Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least sixty (60) days advance notice to the Control Authority and the Control Authority approves the wastewater discharge permit transfer. The notice to the Control Authority must include a written certification by the new owner and/or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.
- B. Identifies the specific date on which the transfer is to occur.
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.
- D. List new contact information, including signatory authority.

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

5.12 Permit Revocation

5.12.1 Wastewater discharge permits may be revoked for the following reasons:

- A. Failure to notify the Control Authority of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Control Authority of any planned significant changes in operation;

- C Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D Falsifying self-monitoring reports;
- E Tampering with monitoring equipment;
- F Refusing to allow the Control Authority timely access to the facility premises and records;
- G Failure to meet effluent limitations;
- H Failure to pay fines;
- I Failure to pay sewercharges;
- J Failure to meet compliance schedules;
- K Failure to complete a wastewater survey or the wastewater discharge permit application;
- L Failure to provide advance notice of the transfer of a permitted facility;

5.12.2 Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or these specifications.

5.12.3 Wastewater discharge permits shall be null and void upon non-use, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

5.13 Wastewater Discharge Permit Appeals. Any person, including the industrial user, may petition the City to reconsider the terms of a wastewater discharge permit within 60 days of its issuance.

- A Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C The effectiveness of the wastewater discharge permit shall not be stayed ending the appeal.

Section 6 REPORTING PROCEDURES

6.1 Baseline Monitoring Reports

6.1.1 Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under 40 CFR 403.6 (a) (4), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the Control Authority a report which contains the information

listed in parts 6.1.2, 6.1.3, & 6.1.4 below. At least 90 days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the Control Authority a report which contains the information listed in parts 6.1.2, 6.1.3, & 6.1.4 below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged. All sampling and analysis used for this report shall be performed in accordance with 40 CFR Parts 136 and amendments thereto. A complete chain of custody record shall be submitted along with any report of sample analysis.

612 The industrial user shall submit the information required by this section including:

- A Identifying Information; the name and address of the facility including the name of the operator and owners.
- B Wastewater Discharge Permits; a list of any environmental control wastewater discharge permits held by or for the facility.

613 Description of Operations

- A A comprehensive description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
- B Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- C Number and type of employees, hours of operation, and proposed or actual hours of operation;
- D Type and amount of raw materials processed (average and maximum per day);
- E Comprehensive site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- F Time and duration of discharges;
- G The location for monitoring all wastes covered by the permit;
- H Flow Measurement; information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6 (e).

614 Measurement of Pollutants.

- A The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

- B. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Control Authority, of regulated pollutants in the discharge from each regulated process.
- C. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
- D. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in, Section 6.10 and 6.11.1 of these specifications. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Control Authority of the applicable Standards to determine compliance with the Standard.
- E. Sampling must be performed in accordance with procedures set out in, Section 6.11.1 of these specifications.
- F. The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- G. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
 - a) Certification; a statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
 - b) Compliance Schedule; if additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 6.2 below.
- H. Signature; the certification statement under Section 6.13 shall be on the permit application and signed by an authorized representative of the industrial user.

62 Compliance Schedule Progress Reports. Compliance Schedules (for categorical or non-categorical IUs) shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine (9) months. The industrial user shall submit a progress report to the Control Authority no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, (if appropriate) the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Control Authority.

63 Report on Compliance with Categorical Pretreatment Standard Deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards; or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any Industrial User subject to pretreatment standards and requirements shall submit to the Control Authority a report containing the information described in Section 6.11 (b). Industrial Users subject to equivalent mass or concentration limits established by the Control Authority, [See 40CFR 403.6(c)] this report shall contain reasonable measure of the User's long term production rate. For all other Industrial Users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.13 of this document. All Sampling will be done in conformance with Section 6.11, of this document and all applicable 40 CFR 136 (and amendments thereto) sampling requirements.

64 Periodic Reports on Continued Compliance.

64.1 All Significant Industrial Users must, at a frequency determined by the Control Authority submit no less than twice per year (June and December [or on dates specified]) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User.

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

64.3 If any Industrial User subject to reporting requirements monitors more frequently than required by the Control Authority, the results shall be included in the report. A complete chain of custody record shall be submitted along with any report of sample analysis.

64.4 All periodic compliance reports must be signed and certified in accordance with, Section 6.13 of this document.

65 Notification of Changed Discharge. All Industrial Users shall notify the POTW sixty (60) days in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12 (p).

A. The Control Authority may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.

B. The Control Authority may issue a wastewater discharge permit or modify an existing wastewater discharge permit.

- C. No industrial user shall implement the planned changed condition(s) until or unless the Control Authority has responded to the industrial user's notice.
- D. For purposes of this requirement, flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

66 Reports of Potential Problems.

- 6.6.1 In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Control Authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- 6.6.2 Significant Industrial Users are required to notify the Control Authority immediately of any changes at its facility affecting the potential for a Slug Discharge.

67 Reports from Unpermitted Users. All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Control Authority as the Control Authority may require.

68 Notification of the Discharge of Hazardous Waste.

- A Any User who commences the discharge of hazardous waste shall notify the Control Authority, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted per section 6.5 of Part 1 – Pretreatment Program Specifications. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of this document.
- B In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Control Authority, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

- C In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- D. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this document, a permit issued thereunder, or any applicable Federal or Statelaw.

69 Repeat Sampling and Reporting. If sampling performed by an Industrial User indicates a violation, the user shall notify the Control Authority within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation, except the Industrial User is not required to resample if:

- A. The Control Authority performs sampling at the Industrial User at a frequency of at least once per month, or
- B. The Control Authority performs sampling at the User between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.

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

611 Sample Collection

6.11.1 Except as indicated in paragraph 6.11.2, below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Control Authority may authorize the use of time proportional sampling or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

6.11.2 For sampling required in support of baseline monitoring and 90 day compliance reports required in section, 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control Authority may authorize a lower minimum. For the reports required by paragraphs, Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

612 Record-keeping Requirements. Users subject to the reporting requirements of this document shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this document, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under, Section 3.5. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Control Authority.

- A** Any Industrial User and POTW subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:
 - a**) The date, exact place, method, preservation, time of sampling and the names of the person or persons taking the samples;
 - b**) The dates analyses were performed;
 - c**) Who performed the analyses;
 - d**) The analytical techniques/methods used; and
 - e**) The results of such analyses.
- B** Any Industrial User or POTW subject to the reporting requirements established in this section shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the Control Authority and/or the Approval Authority. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or POTW or when requested by the Approval Authority or the U.S. EPA Regional Administrator.

613 Certification Statements. The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with, Section 5.6; Users submitting baseline monitoring reports under, Section 6.1; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under, Section 6.3; Users submitting periodic compliance reports required by, Section 6.4. The following certification statement must be signed by an Authorized Representative as defined in Appendix B (#7) of this document.

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

614 Provisions Governing Fraud and False Statements. The reports and other documents required to be submitted or maintained under this section shall be subject to:

- A. The provisions of 18 U.S.C. section 1001 relating to fraud and false statements;
- B. The provisions of sections 309(c) (4) of the Act, as amended, governing false statements, representation or certification; and
- C. The provisions of section 309 (c) (6) regarding responsible corporate officers.

Section 7 COMPLIANCE MONITORING

7.1 Right of Entry; Inspection and Sampling. The Control Authority shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this document and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Control Authority ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Control Authority shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Control Authority shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The Control Authority may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Control Authority and shall not be replaced. The costs of clearing such access shall be born by the User.
- E. Unreasonable delays in allowing the Control Authority access to the User's premises shall be a violation of this document.

7.2 Monitoring Facilities

7.2.1 Each industrial user shall provide and operate at the user's own expense, monitoring facilities and monitoring equipment to allow observation, inspection, sampling and flow measurement of all waste created and/or discharged by the user. Each such monitoring facility shall be constructed in a manner approved by the City on the user's premises downstream from any treatment or storage tanks or other approved works utilized by the user for pretreatment; provided, however, that where such on- premises location would be important or cause undue hardship on the user, the City may allow the facility to be constructed in the public street or other area as long as such location provides ease of entrance and will remain readily

accessible and unobstructed with ample room in or near such sampling manhole or facility to allow accurate sampling and proportion of samples for analysis. All sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

7.22 In the event it is determined by the Control Authority that no special manhole or other facility is required to accurately determine the quality and quantity of waste being discharged, the downstream public sewer manhole nearest to the point at which the serviced premises is connected shall be used for all monitoring purposes.

7.3 **Search Warrants.** If the Control Authority has been refused access to a building, structure or property or any part thereof, and if the Control Authority has demonstrated probable cause to believe that there may be a violation of this document or that there is a need to inspect as part of a routine inspection program designed to verify compliance with this document or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the Municipal Court Judge of the City of Bentonville shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the Control Authority in the company of a uniformed police officer of the City of Bentonville. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

7.4 Confidential Information

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

7.4.2 When such request by the person furnishing a report is accepted and approved by the Control Authority the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies and only for uses related to this document, the National Pollutant Discharge Elimination System (NPDES) Permit, State Water Pollution Control Permit, and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

7.4.3 Information accepted by the Control Authority as confidential shall not be transmitted to any governmental agency or to the general public by the Control Authority until or unless a ten (10) day notification is given to the user.

7.5 **Publication of Industrial Users in Significant Noncompliance.** The Control Authority shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a 6- month period exceed the daily maximum limit, average monthly limit or Instantaneous limit for the same pollutant parameter by any amount;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty- three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a 6-month period equals or exceeds the product of the daily maximum limit, the average monthly limit or Instantaneous limit multiplied by the applicable criteria {1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH};
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long term average, Instantaneous Limit, or narrative standard) that the Control Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of pollutants that have caused imminent endangerment to the public or to the environment, or have resulted in the Control Authority's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining a final compliance;
- F. Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance;
- H. Any other violation(s), which may include a violation of Best Management Practices, which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

Section 8 LIQUID WASTE TRANSPORTATION

8.1 Permit – Required

- 8.1.1 It shall be unlawful for any person to pick up and transport liquid waste generated within the City of Bentonville to any wastewater treatment plant or disposal facility without first obtaining a waste hauler permit from the City of Bentonville Control Authority. The permit shall designate the liquid waste authorized for transportation in each vehicle.
- 8.1.2 A person who desires a permit must make application on a form provided by the Control Authority.
- 8.1.3 A person who desires a permit must submit with his application a photocopy of the transporter's driver's license. A permittee shall notify the Control Authority of employment changes during the permit period and shall provide the Control Authority a copy of the new transporter's driver's license.

8.14 The permit is not transferable.

82 Insurance – Required. As a prerequisite to the issuance of any permit required by this article that the permittee shall file with the Control Authority, and shall thereafter keep in full force and effect at all times (1) a policy of comprehensive general liability insurance, with a company authorized to do business in the state of Arkansas, in minimum amounts of one-hundred thousand dollars (\$100,000.00) per occurrence for bodily injury, and fifty-thousand dollars (\$50,000.00) per occurrence for property damage, and (2) a policy of automobile liability insurance, covering the operation of each vehicle used in such business, in minimum amounts of one-hundred thousand dollars (\$100,000.00) per person for bodily injury, three-hundred thousand dollars (\$300,000.00) per occurrence for bodily injury, and fifty thousand dollars (\$50,000.00) per occurrence for property damage. The City shall be named as an additional insured in all insurance policies required by this article. Each insurance policy shall require notice from the insured and/or insurer to the Industrial Monitor at least thirty (30) days prior to cancellation by the insurer or the insured.

83 Fee and Display of Permit

8.3.1 Each permittee shall pay a permit fee specified by the Control Authority. An additional fee, specified by the Control Authority, will be charged for each permitted vehicle. Each permit must be renewed bi-annually between 60 and 30 days before the permit expiration date for the coming year.

8.3.2 The Control Authority shall number permits consecutively. The permit holder shall keep the permit receipt, or a copy, in the vehicle at all times.

8.4 Liquid Waste Vehicles: Maintenance

841 A liquid waste transporter shall:

- A. Maintain tanks, pumps, valve hoses, racks, cylinders, diaphragms, pipes, connections, and other appurtenances on a vehicle in good repair and free from leaks;
- B. Provide a safety plug or cap for each valve of a tank; and
- C. Cause the vehicle exterior to be clean and the vehicle odor-free at the beginning of each work day.

842 The Control Authority may cause any vehicle operated in violation of this article to be impounded or immobilized until the violation is corrected. The Control Authority may also revoke the permit for an improperly operated vehicle.

8.5 Liquid Waste Vehicles: Qualification

85.1 To qualify for a permit, a vehicle must comply with the following requirements:

- A. The sample tank shall be an integral part of a vehicle to transport liquid waste; portable tanks or other containers temporarily installed in vehicles are prohibited;
- B. Piping, valves, and connectors shall be securely attached to tank and/or vehicle;
- C. Truck tank must be liquid tight;

- D. Truck tanks to be constructed so that every interior and exterior portion can be easily cleaned;
- E. Piping, valves, and connectors shall be accessible and easy to clean;
- F. Opening of a tank to be constructed so that collected waste will not spill during filling, transfer or during transport;
- G. Outlet connections to be constructed so that no liquid waste will leak, run, or spill out from the vehicle;
- H. Outlets to be of a design and type suitable for the liquid waste handled and capable of controlling flow or discharge without spillage and undue spray on or flooding of immediate surroundings while in use; and
- I. Pumps, and valves, cylinders, diaphragms, and other appurtenances to be of a design and type suitable for the type of waste handled, capable of operation without spillage, spray, or leakage, and capable of being easily disassembled for cleaning.

8.6 Responsibilities of Liquid Waste Transporter

- A. Before accepting a load of liquid waste for transportation, a liquid waste transporter shall determine (1) the nature of the material to be transported, and (2) that his equipment is sufficient to properly handle the job without spillage, leaks, or release of toxic or harmful gases, fumes, liquids, or other substances. Upon delivery of the waste to the disposer, the transporter shall inform the disposer of the nature of the waste.
- B. A transporter with a City of Bentonville liquid waste transporter permit shall not transport hazardous materials, in vehicles permitted by the City for transporting liquid waste.
- C. A transporter holding a City of Bentonville permit must use a disposal site permitted and approved by the Arkansas Department of Environmental Quality (if land applied) or the environmental control authority in any adjoining state.
- D. The following described manifest system, consisting of a multi-part manifest ticket, shall be used to document the generation, transportation, and disposal of all applicable liquid waste generated in the City of Bentonville, shall be used:
 - a) Manifest books shall be purchased by the transporter from the City of Bentonville, for an established fee.
 - b) A transporter shall complete one manifest for each location serviced, with the exception of chemical/portable toilet companies servicing their own units. Chemicals of portable toilet companies servicing their own units shall be exempt from trip ticket requirements but shall be required to submit a monthly total of volumes disposed and the location of disposal to the Control Authority.
 - c) A copy of the grease trap manifest shall be signed by the generator/ responsible party or manager and the transporter at the time of waste collection; a copy thereof shall be maintained by the generator for a period of three (3) years.

- d) A copy of the manifest shall be signed by the transporter and disposer at the time of disposal and; a copy thereof shall be maintained by the disposer.
- e) A copy of the manifest shall be maintained by the transporter and; a completed copy of each manifest generated in the city shall be presented on the first of each month to the Control Authority.
- f) A copy of all completed manifests shall be maintained by the Control Authority for a period of three (3) years.
- g) All pertinent sections of the manifest must be completed prior to signing.
- h) Liquid waste haulers of septic waste only may note on the manifest if the generator is not available to sign the document provided all other information for the generator including the phone number is listed; a responsible party for grease interceptor generators must be onsite to observe interceptor cleaning.

8.7 Accumulation of Liquid Waste. It shall be unlawful for any person to allow liquid waste that emits noxious or offensive odors or is unsanitary or injurious to public health to accumulate upon property under his control.

8.8 Disposal of Liquid Waste

- 8.8.1 It is unlawful for any person to unload or offer for sale or exchange liquid waste anywhere except at a place permitted by the City, the State, or the Federal government.
- 8.8.2 It is unlawful for any person to deposit or discharge liquid waste onto a street or into a storm or sanitary sewer or an area that drains into the storm sewer system.

8.9 Responsibilities of Liquid Waste Generator. A generator of liquid wastes shall not have hazardous wastes or liquid waste in combination with hazardous waste removed from his premises by a liquid waste transporter operating under a City permit.

- A. It shall be the responsibility of the grease generator to assure the manifests are complete, accurate and include;
 - a) Business name
 - b) Business address
 - c) Telephone number
 - d) Waste capacity of the grease control device
 - e) Date of delivery to transporter
 - f) Name and signature of the manager or owner
- B. The generator shall ensure that all water, floating grease, and sludge is removed from the grease control device
- C. The generator shall use only waste haulers permitted by the city

- D. Report spills, and accidents involving collection device to the proper local authorities within 24 hours;
- E. Clean up spills and accidents immediately and have all waste material disposed of by a permitted waste hauler.

8.10 Responsibilities of Liquid Waste Disposers

- 8.10.1 It shall be unlawful for a liquid waste disposer to allow accumulation of liquid waste on his premises so that rainfall could carry the material to storm sewers or create a noxious odor or health hazard.
- 8.10.2 A liquid waste disposer shall:
 - A. Obtain and maintain compliance with all licenses and/or permits required by local, state, or federal law;
 - B. Accept waste only from permitted transporters;
 - C. Maintain trip ticket copies for a period of two years;
 - D. Accept only those classes of waste authorized by this document or permit; and
 - E. Make available all records required to be kept for inspection by the Control Authority during normal business hours.

- 8.11 **Rules and Regulations.** The Control Authority may promulgate rules and regulations necessary to carry out the provisions of this document and to protect the public from health and safety hazards. The Control Authority may amend any permit issued hereunder to ensure compliance with applicable laws and regulations.
- 8.12 **Denial, Suspension, and Revocation of Permit.** The Control Authority may deny a permit if it is determined that an applicant is not qualified under section 8 of this document and may suspend or revoke a permit if it is determined that a permittee:
 - A. Has violated a provision of this section;
 - B. Has failed to pay a required fee;
 - C. Has failed to comply with maintenance or inspection requirements; or
 - D. Has failed to deliver completed manifests to the Control Authority.
 - E. After suspension under this section, a permittee may file a request for reinstatement of the permit. When the Control Authority determines that the permittee is again qualified, all violations have been corrected, precautions have been taken to prevent future violations, and all required fees have been paid, the permit may be reinstated at the option of the Control Authority.
 - F. The Control Authority may revoke for a period of one year or less all permits held by a liquid waste transporter if the transporter or an employee of the transporter violated any of

the provisions of this section, any rule or regulation promulgated by the Control Authority, or any applicable City document or State law.

- G. It shall be unlawful for a permittee whose permit is suspended or revoked to collect, transport, or dispose of any waste materials within the jurisdiction of the Control Authority.

8.13 Penalties.

- 8.13.1 Any person, operator, or owner who shall violate any provision of this section, or who shall fail to comply with any provision hereof, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than one thousand dollars (\$1000.00) or double that sum for each repetition of such offense. Each violation and each day a violation continues shall constitute a separate offense.
- 8.13.2 Any person found guilty of violating any provision of this document shall be liable to the City for any expense, loss, fines or damage occasioned by the City for proper clean-up and proper disposal of said waste materials.

Section 9 ABNORMAL SEWAGE

Any user generating abnormal sewage which exhibits none of the characteristics of wastes prohibited in Section 2 of this document, but which has an average concentration in excess of normal sewage during a twenty-four (24) hour period, may be required to pre-treat such abnormal sewage to meet the parameters of normal sewage or such other levels in excess of normal sewage parameters as the City may determine is acceptable in a particular case. Such wastes may, however, be accepted by the POTW for treatment if all of the following requirements are met.

- A. The waste will not cause damage to the collection system;
- B. The wastes will not impair the treatment processes;
- C. The user agrees to payment of a surcharge over and above published sewer rates, as provided herein; and
- D. The waste is amenable to treatment such that when discharged to the City's sewage collection system, the waste does not cause the City POTW's effluent to exceed the Water Quality Standards set by Federal and/or State agencies having jurisdiction or cause the City's POTW effluent to fail whole effluent toxicity tests.
- E. Surcharge will be adjusted on billings for the month following submission of new data.
- F. Typical domestic waste values for conventional pollutants and pollutants of concern will be established by the Control Authority for use in surcharge calculations. The methods of sampling, data collection, and reporting for surcharge calculation will be defined in the Industrial Discharge Permit as assigned to each user as required.
- G. All measurements, tests and analyses of the waste characteristics shall be determined in accordance with the latest approved methods in 40 CFR Part 136.
- H. The volume of flow used in computing abnormal sewage surcharges shall be based upon

metered water consumption as shown in the records of meter readings maintained by the City's Business Office. In the event that a person discharging waste into the City sanitary sewer system produces evidence to the City demonstrating that a portion of the total amount of water used for all purposes is not discharged into the POTW, a separate meter or meters or other approved flow measuring device may be installed at the user's expense, upon his request, to measure only that portion of the total flow being discharged into the City sewer system. If a surcharge is assessed by the City, it shall be shown separately on the monthly billing.

- I. Any person discharging industrial waste into the sanitary sewers of the City who procures any part or all of the user's water supply from sources other than the City of Bentonville, all or part of which is discharged into the sanitary sewer, shall install and maintain at the user's expense water meters of the type approved by the City for the purpose of determining the proper volume of flow to be used in computing sewer service charges. Such meter will be read and tested for accuracy when deemed necessary by the City. Where it can be shown that a portion of water measured by the aforesaid meter or meters does not enter the sanitary sewer system of the City, then the user may install additional approved meters at the user's expense in such a manner as to measure the quantity of water actually entering the said sanitary sewer system from the premises of such user, and the quantity of water used to determine the sewer service charge and abnormal sewage surcharge shall be the quantity of water actually entering the sewage system as so determined.
- J. Computation of each abnormal sewage surcharge, as applicable, shall be based on the following:

$$S = V \times 8.34 \times (ASC - TDW) \times \text{charge per lb.}$$

S = Surcharge in dollars for the billing period

V = Water discharged to wastewater system in millions of gallons during the billing period

= Weight of water in pounds per gallon

ASC = Abnormal sewage concentration

TDW = Typical Domestic Waste

Charge per lb. is a variable based on the cost per lb. to treat waste. This cost is calculated by the Control Authority as needed.

- K. The City reserves the right to review and to reject any waters or industrial waste entering the sewer system or proposed to be discharged into the system having an average daily flow greater than ten percent (10%) of the design flow capacity of the plant which will treat the waste. In the event the City's measurement discloses such flow in excess of ten percent (10%) of said capacity the City shall be under no obligation to receive such flow in excess ten percent (10%). An owner affected hereby shall be promptly notified of such determination by the City. A special contract, at the City's option, may be made with the user to accommodate such excess flow.

Section 10 ENFORCEMENT

10.1 Emergency Suspension of Service

- 10.1.1 The Control Authority may unilaterally order the suspension of wastewater service to any user when such action is necessary in order to prevent or eliminate an indirect discharge, which, in the opinion of the Control Authority, presents or may present an imminent or serious endangerment to the health or safety of persons or the environment, causes significant interference to the POTW, or causes the City to violate any condition of the NPDES Permit. Upon notification of a suspension of its discharge, the user shall immediately stop its contribution to the system. In the event of a failure of the user to voluntarily comply with suspension order, the Control Authority shall take such steps as deemed necessary, in the City's Pretreatment Program Enforcement Response Plan, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individual.
- 10.1.2 Subsequent to ordering such a suspension, the Control Authority shall issue a written report containing information and investigative data upon which the Control Authority relied in ordering the suspension of service. A copy of this report will be forwarded to the affected user. A detailed written statement describing the cause of the harmful discharge and the measures taken to prevent any further occurrence shall be submitted by the user to the Control Authority within fifteen (15) days of the date of occurrence of the discharge.
- 10.1.3 All costs incurred by the City in detecting, investigating, monitoring, measuring and eliminating the harmful discharge, any NPDES fines or penalties assessed upon the City, along with any disconnect and reconnect fees, shall be reimbursed to the City by the user responsible for the harmful discharge. Any property damage to the POTW or its appurtenant structures which results from the harmful discharge shall also be borne by the user responsible for the harmful discharge. The Control Authority shall approve the time period for reimbursement.
- 10.1.4 No sanitary sewer service or water service disconnection hereunder shall be reconnected until the condition causing the disconnection has been corrected. The Control Authority may reconnect the service upon receipt of a statement, properly executed by the owner and certified by a registered engineer, which sets forth that the cause of the violation has been eliminated. Reconnection shall be at the owner's expense.
- 10.1.5 Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

- 10.2 **Administrative Enforcement Remedies.** Whenever the Control Authority finds that any user has violated or is violating provisions of this document, or the industrial wastewater discharge permit, or any prohibition, BMP, limitation, or requirement promulgated by a State or Federal agency and applicable to such user, the Control Authority shall serve upon such person a written notice stating the nature of the violation.
- 10.2.1 The user responding to receipt of an alleged violation shall reply within fifteen (15) days of the date of the notice in one of the following forms:
 - A A user admitting responsibility for the alleged violation shall submit a written report to the Control Authority. If the nature of the violation either of the permit or this document, involves an indirect discharge of industrial waste that is prohibited, or exceeds quantity, quality, or concentration limitations, the written report shall contain

information setting forth the time, date, location, cause, source, quantity, quality, and concentration of the discharge, and the corrective measures actually taken or to be taken by the user to prevent any similar recurrent discharges. If the nature of the violation of either the permit or this document involves an administrative or procedural noncompliance, the written report shall contain the corrective measures and time schedule the user has adopted to insure expeditious compliance. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation.

- B. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Control Authority to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
- C. A user denying responsibility for the alleged violation shall submit a written report to the Control Authority setting forth the basis for the denial and requesting a Show Cause Hearing.
- D. If a written response from the user is not submitted to the Control Authority within fifteen (15) days of the date of notice, the Control Authority may issue an Administrative Order or institute civil and/or criminal proceedings against the user for violations.

10.2.2 **Consent Orders** - The Control Authority may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to any applicable section(s) of this document and shall be judicially enforceable.

10.2.3 **Show Cause Hearing** - The Control Authority may order any user which causes or contributes to violation(s) of this document, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the Control Authority and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice shall be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action maybe pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.

- A. The Control Authority may conduct the Hearing and take the evidence, or may designate a hearing officer to:
 - a. Issue, in the name of the City, notice of hearing requesting the attendance and testimony of witnesses, and evidence relevant to any matter involved in such hearings;
 - b. Take the evidence; and/or,

- c. Transmit a report of the evidence and hearing including transcripts or other evidence, together with recommendations to the City of action thereon.
- B. At any hearing held pursuant to this document, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.
- C. After the Control Authority has reviewed the evidence, a finding of no responsibility or an issue of an Administrative Order may be issued to the user responsible for the discharge. This Order may direct that the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed, by a specified date, existing treatment facilities, devices, or other related appurtenances are properly operated. Such order shall provide a compliance and cost reimbursement schedule, assessment of administrative penalties and such further orders and directions as are necessary and appropriate.

10.2.4 Compliance Orders -

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

10.2.5 Cease and Desist Orders -

- A. When the Control Authority finds that a User has violated, or continues to violate, any provision of this document, an individual wastewater discharge permit, an order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Control Authority may issue an order to the User directing it to cease and desist all such violations and directing the User to:
 - a. Immediately comply with all requirements; and
 - b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

B. The Control Authority is hereby empowered to enter into Consent Orders, Show Cause Orders, Compliance Orders, or Cease and Desist Orders at any time as deemed appropriate by the Control Authority. Administrative Orders will be the first formal response to significant noncompliance (unless judicial proceedings are more appropriate), and may incorporate compliance schedules, administrative penalties, and termination of service orders. If a Show Cause Hearing requested by the industrial user results in findings of responsibility on the part of the industrial user, an Administrative Order will be issued. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order.

10.3 Judicial Enforcement Remedies

10.3.1 **Injunctive Relief.** When the Control Authority finds that a User has violated, or continues to violate, any provision of this document, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may petition the Benton County Circuit Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this document on activities of the User. The Control Authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

10.3.2 **Civil Penalties.** The City of Bentonville has the authority, by promulgation of this document, to collect in a court of competent jurisdiction civil or criminal penalties in an amount not to exceed one thousand dollars (\$ 1,000) per violation per day by industrial users of pretreatment standards or requirements. Such criminal or civil action may be initiated only after a majority vote of the City's governing body resolves to pursue such action. Each day of a continuing violation may be deemed a separate violation. The Control Authority may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City of Bentonville.

Where a user has repeatedly violated the wastewater discharge permit during any 90 day period, the Control Authority may require the user to post a cash or surety bond payable to the City in a sum determined by the Control Authority, to be necessary to achieve consistent compliance. The bond shall not exceed double the total amount of costs assessed the user as a result of all of its violations within such 90 day period. The costs shall be those as set forth in Section 1 of this Article. Such bond shall be subject to forfeiture to the City under the same procedure as set forth in paragraph 2 of this Section for penalties in the event of a repeat violation within 1 year of the date of placement of the bond. Failure or refusal to place such bond or to replace a forfeited bond within 72 hours of notification may result in failure of reconnection (if user has been disconnected) or disconnection as set forth in Section 1 of this Article.

In addition to any remedies provided above, the City reserves the right to seek legal and/or equitable remedies, including injunction, against any person violating this document, the provisions of an industrial wastewater discharge permit, and/or Federal or State laws governing water quality and industrial wastewater pretreatment. A legal or equitable proceeding prosecuted under this document does not constitute a waiver by the City of Bentonville of any right the City may have to join in or commence in a legal action originating from some alternative source of law or equity.

The Office of the City Attorney may commence such action for appropriate legal and/or equitable relief in courts having proper jurisdiction upon authorization by the City Council.

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

10.4 Criminal Prosecution

- 104.1 A User who willfully or negligently violates any provision of this document, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 per violation, perday.
- 104.2 A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a [misdemeanor] and be subject to a penalty of at least \$1,000. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- 104.3 A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this document, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this document shall, upon conviction, be punished bya fine of not more than \$1,000 per violation, per day. The Control Authority reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Control Authority's enforcement response plan. However, the Control Authority reserves the right to take other action against any user when the circumstances warrant. Further, the Control Authority is empowered to take more than one enforcement action against any noncompliant user. These actions may be takenconcurrently.

10.5 Affirmative Defenses to Discharge Violations

- 105.1 **Upset** - For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
 - A. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (3) are met.
 - B. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a) An upset occurred and the industrial user can identify the cause(s) of the upset;
 - b) The facility was at the time being operated in a prudent and professional manner and in compliance with applicable operation and maintenance procedures;

- c) The industrial user has submitted the following information to the POTW and treatment plant operator within 24 hours of becoming aware of the upset, if the information is provided orally, a written submission must be provided within five days:
 - i. A description of the indirect discharge and cause of noncompliance
 - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue
 - iii. Steps being taken and/or planned to reduce or eliminate and prevent recurrence of the noncompliance.
- C. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
- D. Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- E. The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards.
- F. The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

10.5.2 Bypass -

- A. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation.
- B. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten days before the date of the bypass if possible.
- C. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within 24 hours from the time it becomes aware of the bypass. A written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- D. Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless:
 - a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

- b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c) The industrial user submitted notices as required under paragraph (3) of this section.
- d) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in paragraph (4) of this section.

Section 1.0 **Purpose and Applicability**

1.1 Purpose. Fats, oils and grease (FOG) causes many problems in sanitary sewer lines. Fats, oils and grease collect on the sides of pipes and bacteria that feeds on fats, oils and grease produces corrosive acids and gases that will cause damage to pipes and manholes. Sewer blockages that result can overflow onto streets and property, disrupting residential, commercial, and industrial operations, and carry the potential for health risks. The cost of increased maintenance and replacement of sewer lines is high, as well as the potential impacts to the environment. The requirements set forth in this program are designed to aid in the prevention of sanitary sewer blockages and obstructions from contributions and accumulation of animal or vegetable derived fats, oils and grease discharged to the sanitary sewer system from industrial or commercial establishments, particularly food preparation and serving facilities.

1.1.1 The intent of this Program is to use reasonable and technically feasible controls to:

- A. Eliminate sanitary sewer overflows caused by fats, oils and grease.
- B. Reduce the amount of fats, oils and grease discharged to the sanitary sewer collection system.
- C. Reduce maintenance costs for the sanitary sewer collection system.
- D. Improve operation of the sanitary sewer collection system.
- E. Ensure compliance with the City Of Bentonville Pretreatment Program Specifications, rules and regulations of the United States Environmental Protection Agency, and to comply with rules and regulations under NPDES Permit Number: AR0022403 as issued by the State of Arkansas Department of Environmental Quality to the City of Bentonville which authorizes the city to discharge wastewater under the National Pollutant Discharge Elimination System and the Arkansas Water and Air Pollution Control Act.

1.1.2 In order to reduce sewer blockages, Facilities discharging wastewater that contains FOG to the City of Bentonville sanitary sewer system must install and maintain a grease control device. All grease control devices shall be maintained for continuous, satisfactory and effective operation by the owner, leaseholder or operator at their expense. “Best Management Practices” for the control of Fats, Oil and Grease shall also be implemented by all Facilities.

1.1.3 The Control Authority reserves the right to make determination of grease control devices adequacy and need, based on review of all relevant information regarding grease retention performance, maintenance, and facility site and building plan review to require repairs to, modification, or replacement of such Grease Control Device.

1.2 Applicability. The provisions in this program shall apply to all Food Processing Establishments, Food Sales Establishments, and Food Service Establishments, Commercial Businesses, and any other Facility ("facility") that discharges fats, oils and grease to the sanitary sewer collection system and is located within the municipal boundaries of the City of Bentonville Sanitary Sewer Service Area.

Section 2.0

LEGAL AUTHORITY

2.1 Pretreatment Program Authority (40 CFR Part 403 & APC&EC Regulation 6). The control of discharges of FOG into the Wastewater Treatment System is part of a larger program to regulate discharges of non-domestic wastes, referred to as the “pretreatment program.” The pretreatment program is a national program required by the federal Clean Water Act and developed by the United States Environmental Protection Agency (EPA). The intent of the pretreatment program is to assure that all pollutants discharged to a sanitary sewer system are treated properly before release to the environment. Certain pollutants can “pass-through” a treatment plant without being treated, and other pollutants such as FOG can “interfere” with treatment processes or the collection portion of the Wastewater System. Thus, dischargers may be required to “pre-treat” certain non-domestic wastewaters before they enter the Wastewater Treatment System.

2.1.1 The City of Bentonville pretreatment program is implemented as a partnership between EPA, the State of Arkansas (State) and the City Of Bentonville Wastewater Utilities. The EPA Headquarters oversees development and enforcement of the national pretreatment program. The Arkansas Department of Environmental Quality (ADEQ) approves the City of Bentonville Wastewater Utilities pretreatment program, provides technical assistance and may enforce against the City of Bentonville Wastewater Utilities and the non-domestic users of our Wastewater Treatment System.

2.1.2 ADEQ requires implementation of the national pretreatment program through the discharge permit currently issued to the City Of Bentonville Wastewater Utilities for discharges from its Wastewater Treatment System. ADEQ can also enforce against the City of Bentonville Wastewater Utilities and non-domestic users for non-compliance with the national and local pretreatment program. Finally, the City of Bentonville Wastewater Utilities administers all aspects of the pretreatment program at the local level.

Section 3.0

BMP REQUIREMENTS

3.1 Best Management Practices. Best Management Practices shall be implemented to minimize the discharge of fats, oils and grease to the sanitary sewer system and prevent non-stormwater discharges from entering the stormwater sewer system (as applicable):

- A. Drain screens: Drain screens shall be installed on all drainage pipes in food preparation areas.
- B. Segregation and collection of waste cooking oil: All waste cooking oil shall be collected and stored properly in waste grease bins. Such containers shall be maintained properly to ensure they do not leak.
- C. Permitted waste haulers or an approved recycling facility must be used to dispose of waste cooking oil.
- D. Waste Grease Bins shall be kept clean and lids kept closed when not in use.
- E. Disposal of food waste: All food waste shall be disposed of directly in garbage or compost collection bins, and not sinks. Bagging food waste that has the potential to leak in trash containers is recommended. Scrape or dry wipe pots, pans, dishware and work areas before washing to remove grease. Wash only in a sink connected to a grease control device.

- F. Maintenance of kitchen exhaust filters: Filters and other exhaust hood equipment shall be cleaned as frequently as necessary to maintain good operating condition. The wastewater generated from cleaning shall be disposed of properly and cleaned in sinks connected to a grease control device. Cleaning kitchen equipment in areas that drain to the stormwater sewer system is prohibited. (Reference current City of Bentonville Stormwater Ordinance)
- G. Kitchen signage: Informational signs on Best Management Practices and waste minimization practices in the food preparation and dishwashing areas shall be posted at all times.
- H. Floor mats and kitchen appliance cleaning: The wastewater generated from floor mat and kitchen appliance washing operations must be disposed of in a sink connected to a grease control device. Cleaning kitchen equipment in areas that drain to the stormwater sewer system is prohibited. (Reference current City of Bentonville Stormwater Ordinance)
- I. Mop water from cleaning shall be disposed into mop sinks connected to a grease control device. Signs that greasy mop water has been disposed of outside the facility will be in violation of this program and be subject to enforcement according to this program and the City of Bentonville Pretreatment Program Specifications. Subsequent violations could occur as determined by the city's stormwater ordinance and/or other local, state, and federal regulations.
- J. Oil and grease spills: Dry methods including rags and absorbents such as saw dust or kitty litter shall be used to clean-up oil and grease spills.

Section 4.0 Pretreatment Requirements for Facilities

This section describes the requirements for all applicable users. Prior to purchasing a business or signing a lease for an existing retail space, it is recommended the user contact the Pretreatment Division with questions about their requirements. This can help users avoid costly mistakes or oversights.

- 4.1 FOG Evaluation Plan Review.** The user and/or owner of the property, business, or industry or an authorized representative of the user shall contact the Control Authority for the purpose of obtaining a FOG Evaluation Plan Review. The FOG Evaluation Plan Review shall determine the need, size, location, and other requirements of the GCD necessary to control discharges. Written approval from the Control Authority must be obtained prior to installation of the GCD. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the control authority in accordance with the City Of Bentonville Pretreatment Program Specifications.
- 4.1.1** Plans shall be submitted to pretreatment@bentonvillear.com for approval prior to any of the following:
 - A. Sale or transfer of ownership of the business,
 - B. Construction of a new building,
 - C. Change in the trade name under which the business is operated,

- D. Change in the nature of the services provided or building use that affects the potential to discharge FOG, and/or
- E. Remodeling of the facility that may result in an increase in flow or FOG loading or that otherwise requires the facility to submit plans or specifications for approval through a building or zoning department, or any other formal approval process of a city, county, or other jurisdiction.

4.1.2 All plans submitted to the Control Authority must show the location of the GCD, clearly identify plumbing and plumbing fixtures that connect to the GCD, identify plumbing and plumbing fixture sizes, and a table or schedule identifying plumbing fixtures. Plans shall include proposed GCD size.

4.1.3 Plans shall include a GCD detail showing internal plumbing, dimensions, cleanouts, and vent piping.

4.1.4 If plan approval has been obtained, said plans shall not be deviated from. If a situation warrants the change of an approved plan, an amended copy must be resubmitted to the Control Authority for approval via email to pretreatment@bentonvillear.com or through the city's Development Review Process established by the City of Bentonville Planning Department.

4.1.5 GCD installation and associated plumbing shall be inspected and approved by the Control Authority prior to backfilling.

4.2 New Food Service Establishments in New Buildings.

- A. All new Food Service Establishments shall be required to install at minimum a 100 GPM flow rated outdoor hydro-mechanical grease interceptor, unless granted a variance by the City of Bentonville Pretreatment Division. Any Food Service Establishment wishing to seek a Variance must submit a Variance Request to the Control Authority.
- B. Grease Control Device shall be sized in accordance with the City of Bentonville Pretreatment Division criteria.
- C. No new Food Service Establishments will be allowed to initiate operations until a grease control device is inspected & approved by the City of Bentonville Pretreatment Division.

4.3 New Buildings (Strip Centers) with the Potential for Food Service Establishments.

- A. All new buildings or strip centers containing sections designated for commercial enterprise shall provide a stub-out for a separate waste line for future grease interceptor installation.
- B. The owner shall consider suitable physical property space and sewer gradient that will be conducive for the installation of an exterior, in- ground grease interceptor(s) for any flex space contained within the buildings construction perimeter.

4.4 Existing Food Service Establishments with a Grease Control Device.

All existing Food Service Establishments with a grease control device shall operate and maintain such units in compliance with this program and shall comply with Best Management Practices.

- A. In the event an existing FSE's grease control device is either under-designed or substandard in accordance with this program, the owner(s) will be notified in writing of the deficiencies and required improvements and given a compliance deadline not to exceed one year to conform to the requirements of this Program. For cases in which "outdoor" type grease interceptors are infeasible to install, existing Food Service Establishments will be required to install adequate and approved Grease Control Devices for use on individual fixtures including sinks and other potentially grease containing drains.
- B. Improvements made to existing facilities will be evaluated to determine their impact on the grease control device. Establishments will be required to install a larger sized unit if the potential daily grease production is significantly increased.

4.5 Existing Food Service Establishments without a Grease Control Device.

- A. Food Service Establishments without a grease control device in place on the effective date of this program shall comply with the Best Management Practices.
- B. If excessive grease buildup is noted in the collection system and/or excessive collection system maintenance is required in the collection system and/or sanitary sewer blockages occur in the sanitary sewer system below a Food Service Establishment without a Grease Control Device the City of Bentonville reserves the right to require the Food Service Establishment to install a Grease Control Device.

4.6 New Food Service Establishments in Existing Buildings. Where practical, Food Service Establishments locating in existing buildings will be required to comply with the requirements applicable to new construction. Where it is physically impossible to install "outdoor" interceptors, internal in-floor recessed grease traps may be allowed provided prior approval of unit type, size, location, etc. is obtained through a variance from the control authority. The variance is only to be used as a last resort when all other options have been exhausted.

4.7 Construction Standards Exceptions. Under certain circumstances, the grease control device size and location may necessitate special exceptions to this program. If the city determines that an exception to this program is necessary, the user must first demonstrate that the proposed size and location will not result in noncompliance with the intent and discharge requirements of the Fats, Oils, and Grease Control Program. The facility shall then submit appropriate floor, mechanical, and plumbing plans (include isometric drawings) for any additions or renovations.

4.8 Variance Request. A variance to the requirements of this program for existing users may be granted by the control authority for good cause. The user has the burden of proof of demonstrating through data and other information why a variance should be granted. In no case shall a variance result in a violation of any requirement or effluent limit specified under the City of Bentonville Pretreatment Program Specifications. The granting and approval of any variance shall be at the discretion of the control authority.

4.8.1 If a variance is granted, the user shall institute BMPs and other mitigation measures, as determined by the control authority.

4.9 **Notification of Change in Ownership.** A change in ownership of a Facility shall be reported to the Control Authority in writing within thirty (30) days of the ownership change.

4.10 **Closure of a Food Service Establishment.** Any Food Service Establishment that goes out of business shall ensure that any grease control device is cleaned/pumped before the building is vacated. Property owners of commercial properties or their official designee(s) will be held responsible in having the GCD cleaned/pumped.

4.11 **Closure of a Grease Control Device.** The Control Authority may determine that a GCD is no longer necessary. This may occur when the wastewater flow through the interceptor is significantly lower due to changes in kitchen practices. A lack of flow through the GCD often causes the GCD to become septic producing noxious sulfide gases, serious odor problems, and other potential health and safety hazards. Inactive GCDs shall be closed by:

- A. The User must notify the Control Authority prior to closure of the GCD to allow for inspection;
- B. Complete removal of GCD contents (oil, grease, solids, water, etc.), - performed by a professional service company;
- C. Submittal and approval of plans or a narrative to the Control Authority detailing the proposed scope of work;
- D. Sealing of all floor drains and fixtures plumbed to the GCD (if capping of GCD inlet and outlet pipes is required), or the installation of a direct pipe connection from the inlet to the outlet;
- E. Fill the empty GCD with sand, and
- F. Secure the opening(s) to the interceptor (e.g. cement, weld, etc.).

4.11.1 The Control Authority must receive plans or a narrative detailing the closure activity and written approval must be received by the user prior to beginning work. Inspections of closure activities may be required by the Control Authority prior to securing the opening of the GCD.

4.12 **Responsibility of Cleaning and Maintenance.** In the maintaining and routine cleaning of grease control devices, property owners of commercial properties or their official designee(s), shall be responsible for the maintenance of the GCD & the proper removal and disposal by appropriate means of the captured material. Such removal and haul shall be performed by current City Of Bentonville permitted waste disposal haulers.

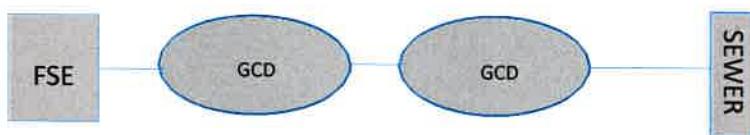
4.13 **Food Service Establishment Survey Form.** All users will fill out a Food Service Establishment Survey Form annually and submit the form to the Pretreatment Division of the City Of Bentonville.

5.1 Approval. **Prior to purchasing & installing a GCD.** The type, design, location and size of a Grease Control Device installed by any User shall be determined and approved by the Control Authority.

5.2 Materials. Constructed of non-corrosive material; such as HDPE & Thermo-plastic. Concrete and Metal Fabricated interceptors will not be allowed.

5.3 Design, Construction, and Installation.

- A. Grease Control Devices shall be designed and tested in accordance with ASME A112.14.3 Appendix A, ASME 112.14.4, CSA B481.1, PDI G101 or PDI G102.
- B. Grease Control Devices shall be approved to meet ASME A112.14.3 Type A or C standards.
- C. Grease Control Devices shall be installed in accordance with the manufacturer's instructions. Where manufacturer's instructions are not provided Grease Control Devices shall be installed in compliance with ASME A112.14.3, ASME 112.14.4, CSA B481.3 or PDI G101.
- D. Grease Control Devices must be vented.
- E. Grease Control Devices shall be equipped with devices to control the rate of water flow so that the water flow does not exceed the rated flow. The flow control device shall be vented and be installed in accordance with the manufacturer's instructions.
- F. Access manholes, with a minimum diameter of 18 inches, shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, cleaning and removal of retained grease and sample collection.
- G. Access manhole covers must meet AASHTO M306 Traffic Rating Standards.
- H. If two (2) or more Grease Control Devices are required they will be placed in series.



5.4 Numbers & Capacities

- A. City Of Bentonville pretreatment personnel will determine Grease Control Device sizes by determining the flow and grease production requirements per facility. Reference the American Society of Plumbing Engineers guidelines for more information on sizing by flow and grease production.

- B. Minimum required flow rate of Grease Control Devices shall be no less than 100 GPM. A variance must be requested from and approved by the control authority to allow a grease control device to be less than 100 GPM. The minimum size of the variance will be 35 GPM.

5.5 Location & Placement

- A. Grease Control Devices shall be located outside the building upstream from the sanitary sewer service lateral connection. Unless a variance is granted to allow inside installation of a Grease Control Device.
- B. Grease Control Devices are to be placed at a minimum distance of 10 ft. from sinks and dishwashers to allow for adequate cooling of the wastewater. Water temperatures must be less than 140 degrees prior to entering Grease Control Devices.
- C. Grease Control Devices shall be located in a green space area or a non-vehicular traffic area that allows easy access for inspection, cleaning, and removal of the intercepted grease at any time. If it is not applicable to have the grease control device located in the specified area above, the alternative site must be approved by Control Authority personnel before installation is to proceed.
- D. Landscape Trees are to be placed a minimum distance of 5 feet from the Grease Control Devices or as approved by the Control Authority on a case by case basis.

5.6 Operation & Maintenance

- A. Each user is solely responsible for the cost of the Grease Control Device, inspection, cleaning and maintenance.
- B. Food Grinders shall not be installed by any facility. Facilities currently having a food grinder shall have installed a solids interceptor downstream of the food grinder, this is in accordance to AR-IPC 2006 (1003.3.2).

Section 6.0 Customer (Generator) Responsibilities

6.1 Responsibilities

- A. It is the responsibility of the customer (generator) to ensure compliance with the City of Bentonville discharge limitations as established in the City Of Bentonville Pretreatment Program Specifications.
- B. Enzymes, solvents, and emulsifiers are not permitted, as they will only change the form of grease, allowing it to be carried out of the interceptor with the wastewater and deposited in the collection system. Biological treatment systems must be preapproved by the Control Authority. These systems will not alleviate the necessity for inspections and proper maintenance.
- C. Hazardous wastes, such as acids, strong cleaners, pesticides, herbicides, paint, solvents, or gasoline should not be disposed of where they would go through GCD's. If commercial dishwashers are discharged through a grease interceptor, care must be

taken in system design. Dishwashers use detergents and elevated water temperatures that will melt grease. If the interceptor is either too small or too close to the commercial dishwasher, grease may pass through the interceptor and into the collection system.

- D. Generators are responsible for maintaining GCD's in continuous proper working condition. Further, generators are responsible for inspecting, repairing, replacing, or installing apparatus and equipment as necessary to ensure proper operation and function of grease interceptor and compliance with discharge limitations at all times. All interceptors shall be maintained by the waste generator at the waste generator's expense.
- E. The generator must have a grease control device service contract (for pumping, cleaning, and inspection) with a City Of Bentonville permitted waste hauler, at a minimum frequency of every 90 days for GCD's (≥ 100 GPM) and every 30 days for GCD's (< 100 GPM) so that the combined fats, oils, grease and solids accumulation does not exceed 25% of the total hydraulic depth of the equipment. The interceptor shall be maintained more frequently if needed to meet the City Of Bentonville discharge criteria.
- F. Records of maintenance are required to be maintained for three (3) years.

6.2 Maintenance

- A. Cleaning and maintenance of the Grease Control Device shall be the responsibility of the generator.
- B. It shall be the responsibility of the generator to inspect the Grease Control Device during the pumping or maintenance procedure to ensure that the cleaning is done properly and that all fittings and fixtures inside the interceptor, or separator are in working condition and functioning properly.
- C. In the event a GCD is not properly maintained by the user, the Control Authority may authorize such maintenance work to be performed on behalf of the user. The costs of such maintenance shall be billed directly to the user and shall become part of the charges due and owing to the Control Authority and shall constitute a lien against the property until paid in full. Failure to pay said charges may also result in discontinuance of service.

6.3 **Requirements.** Grease waste generators shall meet all applicable requirements regarding the accumulation, generation and disposal of waste in the City of Bentonville service area and in accordance with this program and the City's Pretreatment Program Specifications.

6.4 **Interceptor Maintenance Service Contract.** All grease generators having grease control devices shall perform all business transactions relating to interceptor pumping, cleaning, and servicing, and to liquid waste collection, transportation and/or disposal on a contractual basis via a written contract having a duration of at least one year (Active from January 1st through December 31st of each year). It shall be the responsibility of the permitted hauler to provide copies of all such contracts to the City of Bentonville Pretreatment Division 30 days prior to the beginning of the new contract year. Any modifications or changes to the contract must be submitted to the City Of Bentonville Pretreatment Division within seven (7) working days of the change or modification.

A Contract shall include as a minimum the following items:

- A. Customer name, address and telephone number, and the name, address, and telephone number of the facility to be serviced if different.
- B. Contain the name of a primary and secondary contact person for the facility.
- C. Indicate the size of each Grease Control Device.
- D. Indicate the precise and unambiguous location of the Grease Control Device to be serviced, including a diagram if necessary.
- E. Hauler name, address and telephone number, and primary contact
- F. Indicate the frequency of pumpage required.
- G. Be signed and dated by an authorized representative indicating acceptance of the terms of the contract.
- H. Contain a statement of the duration of the contract, to be not less than one year, or for the duration of the operation of the facility, whichever is less.

6.5 Required Pumping Frequency

- A. Unless otherwise specified by the control authority, each GCD in active use shall be cleaned at least once every quarter (90 days) or more frequently as needed to prevent carryover of grease into the collection system, unless it can be demonstrated to the control authority that the pumping frequency can be performed less frequently. The control authority may specify cleaning more frequently when quarterly pumping is shown to be inadequate. Additional pumping may be required during time periods where increased loading is anticipated. Any grease generator desiring a schedule less frequent than quarterly shall submit a written request to the City Of Bentonville Pretreatment Division along with testing (as required by the control authority).
- B. Grease Control Devices shall be pumped out completely in accordance with the minimum frequencies outlined above, or more frequently as needed to prevent carryover of grease into the collection system. If the pump-out frequency is monthly there shall be a minimum period of three weeks between each required pumping.
- C. At any time, an inspection finds the Grease Control Device to be full, immediate steps shall be taken by the grease generator to pump out and clean it as soon as is practicable. The inspector shall make an evaluation of the advisability of allowing discharge to continue, and may at his or her discretion order an immediate cease of all discharge from the facility. In any case, the pumping schedule for the establishment will be amended so as to compel more frequent pumping and cleaning of the interceptor.

6.6 Requirement for Increased Pumpage or Servicing

- A. If the control authority finds that a change in pumpage or servicing of a GCD is necessary for an establishment to meet the discharge limits stated in this program or

the Pretreatment Program Specifications, the control authority may order a change in pumpage or servicing of an interceptor.

- B. If the control authority orders a change in the pumpage or servicing, then the control authority shall serve notice of such order upon the generator.
- C. After receiving notice of an order by the control authority to change the frequency and/or methods of pumpage or servicing, it shall be unlawful for a generator to allow or cause any discharge into the wastewater collection system not in compliance with such order.

6.7 Cleaning Procedures. The generator shall supervise the interceptor cleaning, and shall be physically present and observe the entire cleaning operation.

- A. A generator shall cause the liquid waste hauler, transporter, or any other person cleaning or servicing an interceptor to completely evacuate all contents, including floating materials, wastewater, and bottom sludge's and solids, of all grease and/or grit interceptors and other interceptors during servicing. Skimming the surface layer of waste material, partial cleaning of the interceptor or use of any method that does not remove the entire contents of the collection device is prohibited. The suction of the floating materials shall be done prior to removal of other contents. After complete evacuation, the walls, top, and bottom of the interceptor shall then be thoroughly scraped and the residue removed. The interceptor shall then be washed down and the residue removed. Upon completion of the servicing, the generator shall make an inspection of the interior of the interceptor and then personally sign the trip ticket.
- B. It shall be unlawful for a generator to allow the discharge of liquid, semi solids, or solids back into an interceptor during and/or after servicing. Decanting or discharging of removed waste back into the interceptor from which the waste was removed or any other interceptor, for the purpose of reducing the volume to be disposed is prohibited.
- C. Each interceptor pumped shall be fully evacuated unless the interceptor volume is greater than the tank capacity on the vacuum truck in which case the transporter shall arrange for additional transportation capacity so that the interceptor is fully evacuated within a 24-hour period.

6.8 Disposal of Interceptor Pumpage. All waste removed from each GCD shall be disposed of at a facility permitted and authorized to receive such waste in accordance with all applicable Federal, State and Local regulations. In no way shall the pumpage be returned to any private or public portion of the City Of Bentonville collection system.

6.9 Interceptor Maintenance Reporting. Grease haulers shall provide a Manifest on behalf of the generator to the control authority by the 10th day of each month. The Manifest could be provided by regular mail or by email to pretreatment@bentonvillear.com.

Section 7.0 Prohibitions and Violations

7.1 Prohibitions. No user shall contribute or cause to be contributed into the sanitary sewer system the following:

- A. Hot water running continuously through a grease control device;
- B. Discharge of concentrated alkaline or acidic solutions into a grease control device;
- C. Discharge of concentrated detergents into a grease control device;
- D. Discharge of oils and grease into the sanitary sewer system.

7.2 Violations. It shall be a violation of this Program and the City of Bentonville Pretreatment Program Specifications for any person or User to:

- A. Modify a grease control device structure without consent from the City;
- B. Provide falsified data and/or information to the City of Bentonville, including but not limited to grease control device maintenance and/or cleaning records;
- C. Violate or fail to comply with any applicable section or provision of this Fats, Oils and Grease Control Program.

7.3 Reporting Prohibited Discharge. Any operating or physical condition that results in, or is contributing to a prohibited discharge or other violation of this Program shall be reported to the Control Authority within seven (7) calendar days.

Section 8.0 Mobile Food Vendor

8.1 General Requirements. The Mobile Food Vendor (MFV) owner shall:

- A. Obtain an annual outdoor vendor permit from the City of Bentonville.
- B. Obtain from the City of Bentonville Pretreatment Division a mobile food vendor wastewater discharge authorization form before discharging any waste into the City of Bentonville's sewer collection system.
- C. Provide a copy of their Arkansas Department of Health Service Area Approval Form to the City of Bentonville Pretreatment Division whether or not they are discharging their waste within the city limits of Bentonville.

8.2 Subject to Regulation. Mobile Food Vendor's are subject to all regulations under this program and the Pretreatment Program Specifications, all applicable City Of Bentonville building codes and regulations, and all applicable State and Federal regulations.

8.3 Waste Hauling Permit. A mobile food vendor is not required to obtain a hauled wastewater permit.

8.4 Vehicle Requirements. A Mobile Food Vendor shall:

- A. Maintain tanks, pumps, valves, hoses, racks, cylinders, diaphragms, pipes, connections, and other appurtenances on their vehicle in good repair and free from leaks;
- B. Provide a safety plug or cap for each valve of a tank; and

- C. Cause the vehicle exterior to be clean and the vehicle odor-free at the beginning of each work day.
- D. Ensure that the mobile food vehicle equipment is sufficient to properly transport greywater without causing spillage, leaks, or release of toxic or harmful gases, fumes, liquids, or other substances during delivery of the waste to the disposal site.
- E. The Control Authority may cause any vehicle operated in violation of this section to be impounded or immobilized until the violation is corrected.

8.5 Log Sheet Requirements. The operator of a mobile food vehicle or trailer who is authorized to discharge their waste in the City of Bentonville must maintain a monthly log sheet that:

- A. Is provided by the Control Authority;
- B. Is accurately completed;
- C. Is signed by the operator of the Mobile Food Vendor;

And contains the following information:

- D. The name of the Mobile Food Vendor owner;
- E. The name under which the full service food vehicle operates;
- F. For each disposal of wastewater, the date, time, location, approximate volume and the name of the individual conducting the disposal.

A completed copy of each monthly log sheet generated in the city shall be sent no later than the tenth day of each month to the Control Authority. This form can be emailed to pretreatment@bentonvillear.com.

The log sheet referred to above must be produced to the Control Authority upon request and retained for three (3) years.

Section 9.0 **Inspection & Sampling**

- 9.1 Right of Entry.** The Control Authority shall have the right of entry into any facility for the purpose of making inspections, observation, to make photographic documentation, measurements, sampling, records review or testing of the sanitary sewer system and grease control devices installed in such building or premise to ensure that the facility is in compliance with this Program.
- 9.2 Concomitant.** The owner or occupant may accompany the Control Authority representative.
- 9.3 Service Required.** Operational changes, maintenance and repairs required by the Control Authority shall be implemented as noted in the written notice received by the facility within seven (7) business days of receipt of notice or as agreed between the owner and the control authority.
- 9.4 Accessibility.** All Grease Control Devices shall be easily accessible and shall not be obstructed by landscaping, parked cars, or other obstructions. Any temporary or permanent

obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the responsible party at the written or verbal request of the Control Authority. The costs of clearing such access shall be borne by the user.

9.5 Disposal Facilities. The Control Authority also may monitor and inspect any business using or selling cooking oil, any person removing and transporting commercial cooking oil waste or commercial FOG waste, any recycling facility converting commercial cooking oil waste or commercial FOG waste into a marketable product, and any facility that accepts FOG Waste for disposal.

Section 10.0 Waste Haulers

Permitted Grease Waste Haulers are subject to rules and regulations as outlined under Part 1: Section 8 of the City of Bentonville Pretreatment Program Specifications and this Program.

Section 11.0 Determination of Compliance

A grease control device shall be considered out of compliance if any of the following conditions exist:

- A. A required grease control device has not been installed or required maintenance of a grease control device has not been performed, resulting in a prohibited discharge, accumulation of grease within the public sewer system, a sewer blockage, or sanitary sewer overflow.
- B. Maintenance cleaning has not been accomplished when the total accumulations of fats, oils and grease exceed twenty-five percent (25%) of the overall liquid depth, or the minimum 90 day interval for GCD's (≥ 100 GPM) and minimum thirty day cleaning interval for smaller GCD's (<100 GPM) has not been met.
- C. New technologies will be considered and exceptions to the 25% rule could be considered but never to more than 60% total accumulations.
- D. Failure to submit records to the Control Authority.
- E. Inspection hindrance.
- F. Failure to maintain on-site records of maintenance.
- G. Falsification of records
- H. Discharges to the sanitary sewer system that include polar fats, oils and greases in amounts that cause a visible sheen in the discharge or in the public sewer system, a build-up of grease in any public sewer facility, or any water or waste which contains more than one hundred twenty five parts per million by weight of nonpolar fats, oils and grease as measured using analytical procedures established in 40 CFR Part 136.

Section 12.0 Enforcement

12.1 Enforcement Action. Enforcement Action against the facility may be a result of, but is not limited to, failure to clean or pump grease control devices, failure to maintain grease control devices, failure to follow established BMP's, failure to install grease control devices, failure to control FOG discharge from the facility, and use of additives.

- a. A re-inspection fee, based on the fee as adopted in the current ordinance that establishes and amends certain fees and permits for the City of Bentonville, will be charged to the user for re-inspections resulting from non-compliance issues not being resolved within allotted time given to resolve the issues. The charges will be added to the facilities water/wastewater bill. Failure to reimburse the city may result in termination of water service.
- b. FOG related blockages and interference with the operations of the sewer collection system including the pump stations, or the sewer plant, will be investigated. Should the source of the FOG be identified, that facility shall reimburse the City for all labor, equipment, supplies and disposal costs incurred to clean the interference or blockage. The charges will be added to the facilities water/wastewater bill. Failure to reimburse the city may result in termination of water service.
- c. If a facility fails to pump, clean or maintain their GCD after a Notice of Violation (NOV) due date, the control authority will resort to an escalation of enforcement. The City of Bentonville reserves the right to have the facilities GCD pumped by a permitted waste hauler to prevent further possible damage. A failure of the GCD will be considered a violation of this program and the City Of Bentonville Pretreatment Program Specifications which pertains to the construction and maintenance of pretreatment facilities and subject to penalties of up to \$1,000/day for each day in violation.
- d. Further enforcement and penalties will be issued as per Section 10 under Part 1 - Pretreatment Program Specifications.

Section 1.0 **Purpose and Applicability**

1.1 Purpose. The purpose of this program is to minimize the loading of petroleum oil, grease, and sand (POGS) entering City of Bentonville's wastewater collection system and the Wastewater Treatment Plant. POGS can contribute to pass-through of pollutants into waterways, municipal sewage sludge, and a volatile atmosphere within the collection system. Additionally, sand and minerals can cause sewer blockages in low flow lines resulting in a sanitary sewer overflow (SSO) and/or may cause damage to pumping equipment.

The intent of this Program is to use reasonable and technically feasible Controls to:

- A. Eliminate sanitary sewer overflows caused by fats, oils and grease.
- B. Reduce the amount of petroleum oil, grease, and sand discharged to the sanitary sewer collection system.
- C. Reduce maintenance costs for the sanitary sewer collection system.
- D. Improve operation of the sanitary sewer collection system.
- E. Ensure compliance with the City of Bentonville Pretreatment Program Specifications, rules and regulations of the United States Environmental Protection Agency, and to comply with rules and regulations under NPDES Permit Number: AR0022403 as issued by the State of Arkansas Department of Environmental Quality to the City of Bentonville which authorizes the city to discharge wastewater under the National Pollutant Discharge Elimination System and the Arkansas Water and Air Pollution Control Act.

1.1.1 In order to reduce sewer blockages, Facilities discharging wastewater that contains POGS to the City of Bentonville sanitary sewer system must install and maintain a POGS Control device. All POGS Control devices shall be maintained for continuous, satisfactory and effective operation by the owner, leaseholder or operator at their expense. “Best Management Practices” for the Control of POGS shall also be implemented by all Facilities.

1.1.2 The Manager reserves the right to make determination of POGS Control devices adequacy and need, based on review of all relevant information regarding grease retention performance, maintenance, and facility site and building plan review to require repairs to, modification, or replacement of such POGS Control Device.

1.2 **Applicability.** This policy applies to any non-domestic user in the city's service area that has the potential to discharge wastes containing sand, grit, gravel, aggregate and/or petroleum by-products into the wastewater system. Examples of such facilities include but are not limited to: automobile or recreational vehicle service stations, fleet maintenance stations, mechanical repair shops, car or truck washes, machine shops, garden nurseries, stone cutters, warehouses, and parking garages. These users shall install and maintain a sand/oil interceptor (SOI) and/or implement best management practices (BMPs) as directed by the Control Authority. Users with an elevator pit must either install a SOI or implement one of the other options outlined in Section 5.3 under Part 3 – Petroleum Oil, Grease, & Sand Control Program Specifications.

Section 2.0

Legal Authority

2.1 **Pretreatment Program Authority (40 CFR Part 403 & APC&EC Regulation 6).** The Control of discharges of POGS into the Wastewater Treatment System is part of a larger program to regulate discharges of non-domestic wastes, referred to as the “pretreatment program.” The pretreatment program is a national program required by the federal Clean Water Act and developed by the United States Environmental Protection Agency (EPA). The intent of the pretreatment program is to assure that all pollutants discharged to a sanitary sewer system are treated properly before release to the environment. Certain pollutants can “pass-through” a treatment plant without being treated, and other pollutants such as POGS can “interfere” with treatment processes or the collection portion of the Wastewater System. Thus, dischargers may be required to “pre-treat” certain non-domestic wastewaters before they enter the Wastewater Treatment System.

2.1.1 The City of Bentonville pretreatment program is implemented as a partnership between EPA, the State of Arkansas (State) and the City of Bentonville Wastewater Utilities. The EPA Headquarters oversees development and enforcement of the national pretreatment program. The Arkansas Department of Environmental Quality (ADEQ) approves the City of Bentonville Wastewater Utilities pretreatment program, provides technical assistance and may enforce against the City of Bentonville Wastewater Utilities and the non-domestic users of our Wastewater Treatment System.

2.1.2 ADEQ requires implementation of the national pretreatment program through the discharge permit currently issued to the City of Bentonville Wastewater Utilities for discharges from its Wastewater Treatment System. ADEQ can also enforce against the City of Bentonville Wastewater Utilities and non-domestic users for non-compliance with the national and local pretreatment program. Finally, the City of Bentonville Wastewater Utilities administers all aspects of the pretreatment program at the local level.

Section 3.0

BMP Requirements

3.1 **Best Management Practices - Facilities generating nonpolar fats oils and grease (e.g., automotive).** The purpose of BMPs is to minimize the discharge of POGS into the sanitary sewer system. The following BMPs shall be implemented by users to whom this program applies:

A. Installation of mesh screens. Facilities with the potential to discharge debris greater than 1/2" in any dimension shall install a mesh screen or similar device to prevent such debris from entering the SOI.

B. Storage and disposal of wastes and raw materials. SOIs shall not be used as a means for disposal of spent or spilled chemicals, automotive or other commercial/industrial fluids, sludge, or other substances. All spent or spilled chemicals, automotive or other commercial/industrial fluids, sludge, oils, or other substances shall be collected and stored properly in appropriate containers. Such containers shall be maintained to ensure that they do not leak. Raw materials and wastes shall be stored per section 5 of this program. Any wastes shall be disposed of in accordance with all federal, state, and local laws.

C. Signage. Signs shall be posted above all sinks and similar devices prohibiting the discharge of oil and other chemical waste down the drains.

This section describes the requirements for all applicable users. Prior to purchasing a business or signing a lease for an existing facility or other type of space, it is recommended the user contact the Control Authority with questions about the POGS Program and SOI requirements. This can help users avoid costly mistakes or oversights.

4.1 Required Notification by the User.

The User shall inform the Control Authority prior to:

- A. Sale or transfer of ownership of the business; or
- B. Change in trade name under which the business is operated; or
- C. Change in nature of the services provided that affect the potential to discharge POGS pollutants; or
- D. Remodeling of the facility that may result in an increase in flow or pollutant loading or that otherwise requires the facility to submit plans or specifications for approval through a building or zoning department, or any other formal approval process of a city, county, or other jurisdiction.

4.2 Reviews and Approval. The Control Authority shall review new construction and existing facilities or businesses undergoing any physical change, change in ownership, operations, or other changes that could alter the nature, properties, or volume of wastewater discharge, to ensure that the current POGS Sector Control Program policies are incorporated and implemented.**4.3 Plan Reviews.** The user and/or owner of the property, business, industry, or an authorized representative of the user shall contact the Control Authority for the purpose of obtaining a plan review.

Plans are required to be submitted for approval prior to:

- A. Construction of any new building, structure, facility, or installation from which there is (or may be) a discharge of wastewater
- B. Expansion or remodeling of an existing building, structure, facility, or installation from which there is (or may be) a discharge of wastewater.

4.3.1 The review and/or approval of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a wastewater discharge acceptable to the Control Authority.

4.3.2 Plans shall be reviewed to determine that wastewater plumbing requirements stated in this program are met and may determine the need for a pretreatment device such as a sand/oil interceptor (SOI) or other treatment process equipment.

4.3.3 If the Control Authority determines that a SOI is required, the Control Authority will determine the minimum SOI capacity in accordance with Section 5.3. All plans submitted to the Control Authority must show the location of the SOI, clearly identify plumbing and

plumbing fixtures that connect to the SOI, and include dimensions or surface areas of all areas that have the potential to drain to the SOI. Plans must identify the intended use for each area e.g. hand wash/detail area, service bays, chemical storage, parking area, and automated or hand spray vehicle wash bays. Plans must also include a SOI detail showing internal plumbing, dimensions, cleanouts, and vent piping.

- 4.3.4 Written approval from the Control Authority must be obtained prior to installation of the SOI. If plan approval has been obtained, said plans shall not be deviated from. If a situation warrants the change of an approved plan, an amended copy must be resubmitted to the Control Authority for approval.
- 4.3.5 SOI installation and associated plumbing shall be inspected and approved by the Control Authority prior to backfilling.

4.4 Other Reviews and Approvals.

- 4.4.1 Upon sale or transfer of ownership of a business, a change in trade name under which a business is operated, a change in the nature of the services provided that affects the discharge of wastewater, or as a result of inspection, the Control Authority shall evaluate or re-evaluate the facility or business to determine adherence to the requirements of this program.
- 4.4.2 The Control Authority may determine that a SOI is required to be installed or that an existing SOI requires repairs, replacement, or closure in accordance with the requirements of Section 5.
- 4.4.3 The Control Authority may approve the use of an existing SOI if it can adequately protect the sanitary sewer system from POGS.

4.5 Closure of a Facility. Any facility that goes out of business shall ensure that any POGS control device is cleaned/pumped before the building is vacated. Property owners of commercial properties or their official designee(s) will be held responsible in having the SOI cleaned/pumped.

4.6 Responsibility of Cleaning and Maintenance. In the maintaining and routine cleaning of POG Control devices, property owners of commercial properties or their official designee(s), shall be responsible for the maintenance of the POGS & the proper removal and disposal by appropriate means of the captured material. Such removal and haul shall be performed by a certified waste disposal haulers and approved by the Control Authority.

Section 5.0 Sand/Oil Separator Standards

- 5.1 Standard Requirements.** All users to whom this program applies, as identified in Section 1.2 must comply with the requirements of the POGS program which may include the requirement for installation and operation of a SOI.
- 5.2 SOI Plumbing and Structural Requirements.**
 - 5.2.1 All drains from shop areas, storage areas, mop sinks, wash bays, vehicle storage areas, and/or other areas with the potential to discharge POGS shall be connected to a SOI. If an oil or chemical storage room is too small for all oil and chemicals to be kept in containment or away from any floor drain, no floor drain shall be placed in that room.

5.2.2 Fixtures to be connected include, but are not limited to, floor drains, and hand sinks, and wash areas located in areas where sand and petroleum-based liquid waste materials may enter the collection system. Drains from areas that may produce wastewater laden with animal or vegetable fats, oils, and grease shall not be routed to the SOI. SOI's shall not be connected to roof drains, downspouts, or otherwise exposed to stormwater runoff. Outdoor drains or wash bays connected to SOI's must be roofed and bermed in such a manner as to keep storm water out of the sanitary sewer collection system.

5.2.3 Each business establishment for which a SOI is required shall have a SOI serving only that establishment. Common or shared SOIs are not permitted. The Control Authority may grant a variance for a common or shared SOI if it is pre-existing. Common or shared SOIs may be re-evaluated for proper sizing and capacity as facilities change business operation, practices, owners, or tenants.

5.2.4 All SOIs and associated plumbing shall be installed by a licensed plumber or contractor. All SOIs must have two compartments separated by a baffle wall. The primary compartment shall have a volume equal to two-thirds of the total capacity, and the secondary compartment shall have a volume equal to one-third of the total capacity. Each compartment shall be accessible by a traffic rated manhole above the inlet and outlet piping with a minimum diameter of 24 inches. Manhole covers may not be locked, or otherwise fastened in place, such that access is restricted.

5.2.5 All plumbing shall be compatible with wastewater containing POGS, such as PVC. A sampling- T with a removable cap shall be placed at the outlet end of the SOI to allow sampling of effluent. The top of the sampling-T shall be no more than one foot below grade. In order to maximize retention time in the primary chamber, the bottom of the inlet piping shall extend down no less than 50% of the total water depth. The bottom of the outlet piping must extend down within 9 to 12 inches from the floor of the SOI. Flow from the primary to secondary compartment shall be through a baffle pass-through port or over the top of the baffle. The baffle wall pass-through port or top of the baffle shall be no more than 5 inches below water line. If a pass-through port is used, the cross sectional area shall be at least equivalent to the cross sectional area of the inlet piping into the SOI. Support brackets are required for inlet and outlet piping. Clean outs and venting shall be PVC pipes. SOIs shall have two (2) vent pipes, one to vent the body of the SOI and one to connect to the external effluent piping. Vent pipes shall remain independent to a location above finished grade. Each vent pipe shall have an accessible clean out prior to joining into a common vent. Vents shall be independent of any other building venting system and shall be in accordance with local building codes.

5.2.6 Car washes with individual wash bays or heavy equipment wash bays shall have a catch basin located directly below the drain of each bay. The catch basin(s) shall be connected to the SOI.

5.2.7 If the Control Authority has determined that no SOI is to be installed, the user shall connect all plumbing fixtures listed in Section 5.2 to a sanitary sewer line separate from the domestic sanitary sewer line. This separate sanitary sewer line shall have a cleanout located outside of the building to allow the Control Authority access for sampling. The separate sanitary sewer line is designed to allow representative compliance sampling and future installation of a SOI should one be required. This line may be combined with the domestic sanitary sewer at a point after this cleanout.

5.3 SOI Sizing.

5.3.1 The minimum capacity of a SOI is 45 gallons.

5.3.2 SOI's shall be adequately sized to protect the POTW and the collection system. When completed, the sizing calculation will provide a minimum holding capacity of the SOI in gallons. SOI sizing is based on surface area and intended use of areas that have the potential to produce POGS. Some facilities may have multiple distinct areas with like or unlike uses, for example, an auto service shop may have repair, storage, and vehicle or equipment washing areas, a car washing facility may have automatic and hand held spray washing bays along with a product storage area.

Sand/Oil Interceptor (SOI) Sizing Table

PART A: Service Areas, Warehouse/Storage Areas, and Parking Garages:				
Area Description ⁽¹⁾	Square Footage ⁽²⁾	Required SOI Cubic Foot Holding Capacity ⁽³⁾	Conversion Factor 7.48 gallon per Cubic Foot ⁽⁴⁾	Required Gallons of SOI Holding Capacity Per Area ⁽⁵⁾
			7.48	
			7.48	
			7.48	
			7.48	
Total (Gallons) From Part A				
PART B: Commercial Truck, Equipment, and Car Washes:				
Wash Bay Description ⁽⁶⁾	# of Bays ⁽⁷⁾	Required SOI Capacity Per Bay ⁽⁸⁾	Required Gallons of SOI Holding Capacity ⁽⁹⁾	
Total (Gallons) From Part B				
Total Required SOI Capacity (Minimum in Gallons) ⁽¹⁰⁾				

Completing the Table:

Part A:

1. Area Description, e.g. parking garage level 1, west service area, inside vehicle storage area, detailing area. Areas listed shall only include areas with drains that will flow to the SOI.
2. Square footage for each area that will or has the potential to drain into the SOI through normal operating processes or cleaning operations. (Length in feet x width in feet). The entire area shall be used in this calculation unless there is a physical barrier such as a wall that provides complete isolation of a non-draining area.
3. Required SOI Cubic Foot Holding Capacity involves the conversion of each area square footage to cubic feet of SOI holding capacity and shall be calculated as follows:
 - a. 6 cubic feet of SOI holding capacity for the first 100 square feet of area plus 1 cubic foot of SOI holding capacity for each additional 100 square feet of area.

- b. Areas deemed storage or warehouse that has floor drains shall use a calculation conversion of 1 cubic foot of SOI holding capacity per 500 square feet. Areas used for the storage of chemical products are not considered storage/warehouse and shall use part 3 (a) above
- c. Commercial parking garages shall use a calculation conversion of 1 cubic foot of SOI holding capacity per 1000 square feet of surface area. Do not include the top level of the parking garage if it is exposed to storm events. Runoff from this level shall be drained to the storm water system.

4. Conversion Factor, SOIs are typically sized by gallons of holding capacity (1 cubic foot of SOI holding capacity = 7.48 gallons)
5. Required Gallons of SOI Holding Capacity per Area = required SOI cubic foot holding capacity of the area x 7.48 gallons per cubic foot

Part B:

6. Wash Bay Description, either Self Service (hand held spray) or In-Bay Automatic.
7. Number of bays employed for each wash bay description
8. Required SOI Holding Capacity Per Bay: 180 gallon SOI holding capacity for each Self Service wash bay, 387 gallon SOI holding capacity for each In-Bay Automatic
9. Required Gallons of SOI Holding Capacity per wash bay type = number of bays multiplied by required capacity per bay,

Total:

10. Total required SOI holding capacity (total gallons from Part A plus total gallons from Part B)

In the event a building is to be constructed or remodeled but tenant use information is not known, use the sizing criteria stated in note 3 part (a) above.

Part A shall be used for calculating SOI sizing requirements for industrial uses such as auto service, parking structures, storage/warehouse or miscellaneous processes subject to the POGS Sector Control Program requirements for installing and operating a SOI. Areas used for hand washing and detailing shall use Part A (3)(a).

Part B shall be used for facilities deemed commercial truck, equipment, or car washes.

Parts A and B shall be completed for facilities that are deemed mixed use (washing or detailing bays along with areas identified in Part A).

If multiple SOIs are required, a separate Plan Review Form shall be used for each SOI. An SOI sizing job aid has been prepared to assist in calculating SOI sizing requirements.

5.4 SOI Location. Each SOI shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning, pumping, and maintenance. Each SOI manhole cover shall be readily accessible and safely removable for servicing and maintaining the SOI in good working condition. The use of ladders, the removal of bulky equipment, or any

other circumstances that impedes safe access in order to service or inspect SOIs shall constitute a violation of accessibility. SOIs are not permitted to be located in parking spaces or driveways with heavy traffic. The location of all SOIs shall be shown on the approved building plan.

5.5 SOI Closure. The Control Authority may determine that a SOI is no longer required for its intended purpose. This may occur when the wastewater flow through the interceptor is significantly lower or non-existent due to changes in operations or physical changes. A lack of flow through the SOI may result in potential health and safety hazards. Inactive SOIs shall be closed by:

- A. Complete removal of SOI contents (petroleum oil, solids, water, etc.), - performed by a professional service company,
- B. Submittal of plans or a narrative to the Division detailing the proposed scope of work,
- C. Sealing of all floor drains and fixtures plumbed to the SOI (if capping of SOI inlet and outlet pipes is required), or the installation of a direct pipe connection from the inlet to the outlet,
- D. Filling of the empty SOI with sand, and
- E. Securing the opening(s) to the interceptor (e.g. cement, weld, etc.), or removing manhole ring and cover and providing adequate surfacing material.

5.5.1 The Control Authority may request plans detailing the closure activity and written approval from the Control Authority may be required prior to beginning work. Inspections of closure activities may be required by the Control Authority prior to securing the opening of the SOI. The user may be required to notify the Control Authority prior to closure of the SOI to allow for inspection.

5.6 SOI Maintenance. SOIs shall be maintained, at the expense of the user, by regularly scheduled pumping to ensure proper operation necessary to efficiently intercept POGS from the user's wastewater and prevent a sanitary sewer overflow and prevent the discharge of said materials into the Control Authority's wastewater collection system.

5.6.1 A SOI shall be serviced at a minimum of every 90 days for truck washes, heavy equipment washes, and commercial car washes. A SOI shall be serviced at a minimum once per year for all other users. The SOI may be required to be serviced more frequently as needed to ensure the total accumulation of solids, debris, and oil does not exceed 25% of the total capacity of the SOI. The Control Authority may allow a less frequent pumping schedule if the user can demonstrate the SOI does not need to be pumped per program requirements. Users seeking a modified pumping schedule shall complete a variance application including information that demonstrates that a less frequent schedule is adequate. Variance applications will be reviewed by the Control Authority. Written approval must be obtained by the Control Authority before any modified pumping schedule can be implemented. All users are required to structurally maintain all components of their SOI as per the design requirements in Section 5.2 of this program.

5.6.2 Maintenance of SOI shall be done in a workman-like manner only by a business or professional normally engaged in the servicing of such plumbing fixtures. Partial removal of

contents is not allowed. Contents removed from SOIs shall be hauled off-site and disposed of properly. Under no circumstances shall the SOI's contents be reintroduced to the sanitary sewer system. The user must take reasonable steps to assure that all waste is properly disposed of at a facility in accordance with federal, state and local regulations (i.e. through a certification by the hauler included on the waste manifest or trip ticket for each load.) Users are responsible for the maintenance, servicing and proper waste disposal and cannot abrogate this responsibility to a contractor, pumping service or any other agent.

- 5.6.3 All records, receipts, and manifests of SOI maintenance, removal of SOI contents, and off-site hauling of POGS waste shall remain on-site and accessible for review by the Control Authority for a minimum of three (3) years. The Control Authority may require a user that falls under the provisions of this program to submit copies of all records, receipts, and manifests of SOI maintenance, removal of SOI contents, and off-site hauling of POGS waste.
- 5.6.4 In the event a SOI is not properly maintained by the user, the Control Authority may authorize such maintenance work to be performed on behalf of the user. The costs of such maintenance shall be billed directly to the user and shall become part of the charges due and owing to the Control Authority and shall constitute a lien against the property until paid in full. Failure to pay said charges may also result in discontinuance of service.
- 5.6.5 Biological treatment or enzyme treatment shall not be a substitute for the servicing of the SOI at the frequency determined by the Control Authority. Use of enzymes to bypass the SOI is prohibited.

5.7 Spill Prevention. All users are required to have measures in place to Control unwanted discharge to the sanitary sewer. Chemicals, petroleum-based liquids, and other liquid products must be stored away from drains, away from traffic areas or within containment to reduce the potential for spills to reach the sanitary sewer or environment.

5.8 Elevator Pits (Reference current Arkansas Department of Health Plumbing Code). This section is applicable to new building construction or remodeling projects in which an elevator is to be installed.

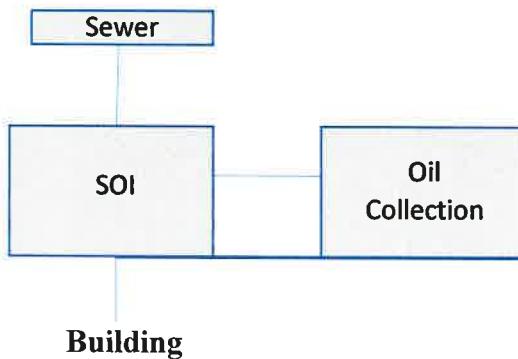
- 5.8.1 If the elevator shaft is required to have a floor drain or sump pit with sump pump the associated plumbing shall not be directly connected to the sanitary sewer. Unless the elevator design does not include a hydraulic oil system.
- 5.8.2 Under current Arkansas Department of Health plumbing code section 1003.4 & 1003.4.1 states the following.

“1003.4 Oil separators required. Where oil may discharge into elevator pits and at repair garages, car-washing facilities with engine or undercarriage cleaning capability and at factories where oily and flammable liquid wastes are produced, separators shall be installed into which all oil-bearing, grease-bearing or flammable wastes shall be discharged before emptying into the building drainage system or other point of disposal.”

“1003.4.1 Separation of liquids. A mixture of treated or untreated light and heavy liquids with various specific gravities shall be separated in an approved receptacle.”

- 5.8.3 The City of Bentonville, depending on amounts of oils available may require user to install a dual system that includes a sand/oil interceptor and an oil collection reserve tank. The SOI

will be sized based on the pump flow rate of the sump pump and the oil collection reserve tank will be sized by the total amount of hydraulic fluid used in the system.



5.9 Variances. A variance to the requirements of this program for existing users may be granted by the Control Authority for good cause. The user has the burden of proof of demonstrating through data and other information why a variance should be granted. In no case shall a variance result in a violation of any requirement or effluent limit specified under Part 1 - Pretreatment Program Specifications. The granting and approval of any variance shall be at the discretion of the Control Authority.

5.9.1 If a variance is granted, the user shall institute BMPs and other mitigation measures, as determined by the Control Authority.

Section 6.0 Enforcement

6.1 Enforcement Action. Enforcement Action against the facility may be a result of, but is not limited to, failure to clean or pump POG Control devices, failure to maintain POG Control devices, failure to follow established BMP's, failure to install POG Control devices, failure to Control POG discharge from the facility, and use of additives.

1. A re-inspection fee, based on the fee as adopted in the current ordinance that establishes and amends certain fees and permits for the City of Bentonville, will be charged to the user for re-inspections resulting from non-compliance issues not being resolved within allotted time given to resolve the issues. The charges will be added to the facilities water/wastewater bill. Failure to reimburse the city may result in termination of water service.
2. POG related blockages and interference with the operations of the sewer collection system including the pump stations, or the sewer plant, will be investigated. Should the source of the POG be identified, that facility shall reimburse the City for all labor, equipment, supplies and disposal costs incurred to clean the interference or blockage. The charges will be added to the facilities water/wastewater bill. Failure to reimburse the city may result in termination of water service.
3. If a facility fails to pump, clean or maintain their POG Control device after a Notice of Violation (NOV) due date, the Control Authority will resort to an escalation of enforcement. The City of Bentonville reserves the right to have the facilities POG Control device pumped by a permitted waste hauler to prevent further possible damage. A failure of the POG Control device will be considered a violation of this program and the Pretreatment Program Specifications which pertains to the

construction and maintenance of pretreatment facilities and subject to penalties of up to \$1,000/day for each day in violation.

4. Further enforcement and penalties will be issued as per Section 10 under Part 1 - Pretreatment Program Specifications.

APPENDIX A - ACRONYMS

Unless a provision explicitly states otherwise, the following acronyms, as used in this document, shall have the meanings hereinafter designated.

AASHTO	American Association of State Highway and Transportation Officials	MAHL	Maximum Allowable Headwork's Loading
ADEQ	Arkansas Department of Environmental Quality.	MAIL	Maximum Allowable Industrial Loading
APC&EC	Arkansas Pollution Control & Ecology Commission	mg	Milligrams
AR-IPC	International Plumbing Code, Arkansas Adoption of	Mg/L	Milligrams per Liter
ASC	Abnormal Sewage Concentration	NOD	Notice of Deficiency
ASME	American Society of Mechanical Engineers	NOV	Notice of Violation
BMP	Best Management Practices	NPDES	National Pollutant Discharge Elimination System
BMR	Baseline Monitoring Report	NSCIU	Non-Significant Categorical Industrial User
BOD	Biochemical Oxygen Demand	P2	Pollution Prevention
CBOD	Carbonaceous Biochemical Oxygen Demand	POGS	Petroleum Oil, Grease, and Sand
CFR	Code of Federal Regulations	POTW	Publically Owned Treatment Works
CIU	Categorical Industrial User	RCRA	Resource Conservation and Recovery
COD	Chemical Oxygen Demand	SIC	Standard Industrial Classification
EPA	United States Environmental Protection Agency	SIU	Significant Industrial User
FOG	Fats, Oils, and Grease	SNC	Significant Noncompliance
FSE	Food Service Establishments	SOI	Sand/Oil Interceptor
GCD	Grease Control Device	SSO	Sanitary Sewer Overflow
gpd	gallons per day	SWDA	Solid Waste Disposal Act
GPM	Gallons Per Minute	TBLL	Technically Based Local Limits
HGI	Hydro-mechanical Grease Interceptor	TSS	Total Suspended Solids
IU	Industrial User	TTO	Total Toxic Organics
IWD	Industrial Waste Discharge	U.S.C.	United States Code
L	Liter	WGB	Waste Grease Bin

APPENDIX B – DEFINITIONS

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

1. **"Act"** shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, [403.3 (b)] adopted by the Arkansas Water and Air Pollution Control Act, Act 472 of 1949, as amended.
2. **"Abnormal Sewage"** shall mean any waste discharged into the treatment system having a concentration in excess of typical domestic waste as defined by the Control Authority.
3. **"ADH"** shall mean Arkansas Department of Health.
4. **"ADEQ"** shall mean the Arkansas Department of Environmental Quality.
5. **"Approved"** shall mean accepted as satisfactory under the terms of this ordinance and given formal and official sanction by the Control Authority.
6. **"Approval Authority"** shall mean the Director of the Arkansas Department of Environmental Quality (ADEQ).
7. **"Authorized Representative of Industrial User"** shall mean:
 - A. 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;
 - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - B. If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;
 - C. If the industrial user is a Federal, State or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or his/her designee;
 - D. The individuals described in paragraphs 1-3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the

discharge originates or having overall responsibility for environmental matters for the industry, and the written authorization is submitted to the Control Authority.

8. **“Best Management Practices” (BMP’s)** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed under Section 1. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMP’s may also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.
9. **“Biochemical Oxygen Demand (BOD)”** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees Celsius (20 C) expressed as milligrams per liter (mg/L).
10. **“Bypass”** shall mean the intentional diversion of waste streams from any portion of an industrial user’s treatment facility.
11. **“Carbonaceous Biochemical Oxygen Demand (CBOD)”** shall mean the quantity of oxygen utilized by organisms requiring carbon as their nutrient source of BOD in five (5) days.
12. **“Categorical Standard”** shall mean any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Clean Water Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
13. **“Cease and Desist Order”** A cease and desist order directs a noncompliant user to cease illegal or authorized discharges immediately or to terminate its discharge altogether.
14. **“CFR”** shall mean the Code of Federal Regulations as published by the U.S. Government.
15. **“City”** shall mean the City of Bentonville, Arkansas, or where the context indicates, Mayor, Manager of the Wastewater Treatment Plant, or other authorized representative.
16. **“Compatible Pollutant”** shall mean BOD, TSS, pH, and fecal coliform bacteria; plus any additional pollutants that the publicly owned treatment works (POTW) is designed to treat, and in fact, does treat such pollutants to the degree required by the POTW’s NPDES permit.
17. **“Composite Sample”** shall mean a sample of the wastewater discharged to the collection system which is composed of a series of not less than twelve (12) samples taken at regular intervals over a normal operating day and over a period of time not exceeding twenty-four hours and calculated on a flow-proportional basis. (40 CFR 403 Appendix E).
18. **“Cooling Water”** shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
19. **“Compliance Order”** A compliance order directs the user to achieve or restore compliance by a date specified in the order. It is issued unilaterally and its terms need not be discussed with the industry in advance.
20. **“Consent Order”** The consent order is an agreement between the Control Authority and the industrial user normally containing three elements: (1) compliance schedules; (2) stipulated

fines or remedial actions; and (3) signatures of Control Authority and industry representatives.

21. **"Control Authority"** shall mean the administrator of the City of Bentonville's industrial pretreatment program as designated by the Mayor, and who is charged with certain duties and responsibilities by this Ordinance.
22. **"Corrosive Waste"** shall mean any and all liquid or waterborne waste or gaseous or solid substance which can cause actual physical damage or destruction to any public or sanitary sewer or which prevents or materially retards treatment of sewage in the sewage treatment plant.
23. **"Daily Maximum"** The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
24. **"Daily Maximum Limit"** the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
25. **"Direct Discharge"** shall mean the discharge of treated or untreated wastewater directly to the waters of the State of Arkansas.
26. **"Disposal"** shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid or semi-solid grease trap waste, grit trap waste, and/or septage into or on any land or water so that such waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
27. **"Disposal Site"** shall mean a permitted site or part of a site at which grease trap waste, grit trap waste, or septage is processed, treated, and/or intentionally placed into or on any land and at which said waste will remain after closure.
28. **"Disposer"** shall mean a person who receives, stores, retains, processes, or disposes of liquid waste.
29. **"Domestic Waste"** shall mean any and all liquid or waterborne waste or gaseous or solid substances that result from household waste as is common to residential areas such as home laundry, bathing and kitchen waste.
30. **"Entity"** shall mean those establishments, cities, towns, commercial or industrial subdivisions, and water improvement districts that establish, operate, and maintain a sanitary sewer collection system within their jurisdictional boundary and contract with the City of Bentonville to connect that system to the City System in order that Bentonville can provide for the transportation and treatment of sewage generated by the entity.
31. **"EPA"** shall mean the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
32. **"Existing Source"** Any source of discharge that is not a "New Source."
33. **"Facility"** Any car wash, automotive fueling, commercial garage, quick-lube stations, auto detail, automotive and equipment repair, automotive service shop, businesses using steam or

pressure washers, or any other business that routinely discharge petroleum oil, grease, and sand into the sanitary sewer system as part of a business operation.

34. **“Fats, Oils and Greases (FOG)”** Organic compounds derived from animal, vegetable, petroleum or mineral origin that contains multiple carbon triglyceride molecules. These substances are detectable and measurable using analytical procedures established in Title 40 of the Code of Federal Regulations Part 136 (40 CFR 136). Fats, oils or grease are either polar (animal or vegetable origin) or nonpolar (petroleum or mineral origin).
35. **“Food Grinder”** Any device installed in the plumbing or sewage system of the facility for the purpose of grinding food waste or food preparation by products for the purpose of disposing in the sewer system.
36. **“Food Processing Establishment”** A commercial establishment in which food is manufactured or packaged for consumption.
37. **“Food Sales Establishment”** Retail and wholesale grocery stores, retail seafood stores, food processing establishment, bakeries, confectioneries, fruit, nuts and vegetable stores and places of business and similar establishments, mobile or permanent, engaged in the sale of food primarily for consumption off premises.
38. **“Food Service Establishments”** Any establishment for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products and/or are required to have a Food Business Permit issued by the Arkansas Department of Health. The term includes: restaurants, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places which manufacture retail sandwiches, soda fountains, institutional cafeterias, catering and home based food establishments, food vending vehicles, and operations connected therewith; and similar facilities by whatever name called.
39. **“Garbage”** shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of product.
40. **“Generator”** shall mean a person who causes, creates, generates, or otherwise produces liquid or water borne solid waste that is discharged into the sewer system.
41. **“Grab Sample”** shall mean a sample which is taken from a wastewater flow on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
42. **“Grease”** Rendered animal fat, vegetable shortening, and other such oily matter used for the purposes of and resulting from preparing and/or cooking food.
43. **“Grease Control Device”** a plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oil, and grease (FOG) from a wastewater discharge and is identified by flow rate, separation and retention efficiency. The design incorporates air entrainment, hydro-mechanical separation, interior baffling, and/or barriers in combination or separately, and one of the following:
 - a. A - External flow control, with air intake (vent): directly connected
 - b. B - External flow control, without air intake (vent): directly connected
 - c. C - Without external flow control, directly connected
 - d. D - Without external flow control, indirectly connected
 - e. These interceptors are required to have a vent installed downstream of the interceptor.

44. **"Grease Waste Hauler"** A business that is permitted to haul grease within the boundaries of the City Of Bentonville.

45. **"Hazardous Waste"** shall mean any liquid, semi-liquid or solid waste or combination of wastes, which, because of its quantity, concentration, physical, chemical or infectious characteristics may exhibit, any of the following:

- A. Toxic, corrosive, irritant or strong sensitizer, flammable or combustible, explosive or otherwise capable of causing substantial personal injury or illness; or
- B. Pose a substantial hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise improperly managed, and is identified or listed as a hazardous waste as defined by the Arkansas Solid Waste Disposal Act, or the Administrator, United States Environmental Protection Agency pursuant to the Federal "Solid Waste Disposal Act", as amended by the "Resource Conservation and Recovery Act of 1976" and as may be amended in the future.

46. **"Holding Tank Waste"** shall mean any liquid waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

47. **"Incompatible Pollutant"** shall mean all pollutants other than compatible pollutants as defined herein above.

48. **"Indirect Discharge"** shall mean the introduction of pollutants into the POTW from any nondomestic source.

49. **"Industrial User or User"** The term Industrial User or User means a source of indirect discharge.

50. **"Industrial Waste"** shall mean any and all liquid or waterborne waste or gaseous or solid substances that result from any process of industry, manufacturing, trade or business, or any mixture of the same with water or normal sewage, or distinct from normal sewage.

51. **"Instantaneous Limit"** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

52. **"Interference"** shall mean a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

53. **"International Plumbing Code (IPC)"** Governs the requirements for the installation, alteration, removal, replacement, repair or construction of all plumbing, as adopted by the State of Arkansas Health Department and the City Of Bentonville.

54. **"Liquid Waste"** shall mean water-borne solids, liquid, and gaseous substances derived from a

grease trap, chemical/portable toilet and/or septic or municipal sludge.

55. **"Local Limit"** Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
56. **"Manager"** shall mean the person designated by the Mayor to supervise the operation and maintenance of the publicly owned treatment works (POTW).
57. **"Manifest System"** shall mean a system consisting of a multi-part trip ticket used to document the generation, transportation, and disposal of liquid, semi-liquid or solid waste. This could be part and partial of a Best Management Practice.
58. **"Maximum Allowable Discharge Limit"** shall mean the maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
59. **"May"** is a discretionary term.
60. **"Medical Waste"** regardless of origin may include, but not limited to the following. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
61. **"Mobile Food Vendor"**: shall mean, but not limited to, a food establishment that is located upon a vehicle, or which is pulled by a vehicle, where food or beverage is cooked, prepared and served, or any other users that discharge applicable waste as determined by the Governing Agency.
62. **"Monthly Average"** The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
63. **"Monthly Average Limit"** The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
64. **"National Pollutant Discharge Elimination System (NPDES)"** A permit system for regulating point source pollution pursuant to Section 402 of the Federal Water Pollution Control Act (Clean Water Act) (33 U.S.C. 1342).
65. **"The North American Industry Classification System (NAICS)"** is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. NAICS was developed under the auspices of the Office of Management and Budget (OMB), and adopted in 1997 to replace the Standard Industrial Classification (SIC) system.
66. **"New Source"**
 - A. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are therefore promulgated in accordance with that section,

provided that: The building, structure, facility or installation is constructed at a site at which no other source is located; or

- a. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- b. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

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

C. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

- A. Begun, or caused to begin as part of a continuous onsite construction program.
 - a. Any placement, assembly, or installation of facilities or equipment, or
 - b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment, or
- B. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

67. **"Non-contact Cooling Water"** shall mean water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

68. **"Non-domestic Wastewater"** may include wastewater from any other source, including but not limited to, industries, food processing operations, vehicle service facilities, vehicle storage facilities, kennels, car washes, and milk houses.

69. **"Nonpolar"** Any water or waste of petroleum or mineral origin which contains more than one hundred parts per million by weight of fat, oils or grease as measured using analytical procedures established in 40 CFR Part 136.

70. **"Normal Sewage"** also termed "Typical Domestic Wastewater" shall mean wastewater from domestic users, discharged by a person into a sanitary sewer.

71. **"NPDES Permit"** shall mean a permit issued to a POTW pursuant to Section 402 of the Act.

72. **"Oil"** is petroleum based products.

73. **"Owner"** shall mean the person who owns a facility or part of a facility.

74. **"Pass Through"** shall mean the discharge that exits the POTW to waters of the United States in quantities or concentrations which, alone or in conjunction with other discharges, causes a POTW NPDES permit violation, including an increase in the magnitude or duration of a violation.

75. **"Person"** shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint-stock company, trust, governmental entity or any other legal entity, or their legal representatives, agents or designate. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

76. **"pH"** means the logarithm (base 10) of the reciprocal of the weight of hydrogen ions, expressed in standard units.

77. **"Pharmaceutical Drug"** also referred to as medicine, medication or medicament, can be loosely defined as any chemical substance intended for use in the medical diagnosis, cure, treatment, or prevention of disease.

78. **Polar:** Any water or waste of animal or vegetable origin which has visible fats, oils or grease floating on the surface or adhering to the sides of the sample containers.

79. **"Pollutant"** shall mean any dredged spoil, soil waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and/or industrial or agricultural waste discharged into water.

80. **"Pollution"** shall mean the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water below certain minimum desirable quality standards.

81. **"Pollution Prevention" (P2) or "Source Reduction"** as defined under the Pollution Prevention Act, and other practices that reduce or eliminate the creation of pollutants through: Increased efficiency in the use of raw materials, energy, water, or other resources, or protection of natural resources by conservation.

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

83. **"Pretreatment Requirement"** shall mean any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

84. **"Pretreatment Standard, or Standard"** shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(B) and (C) of the Act which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR Section 403.5.

85. **"Prohibited Discharge Standards" or "Prohibited Discharges"** shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in Article II,

Section 2 of this ordinance.

86. **"Publicly Owned Treatment Works (POTW)"** shall mean the city sanitary sewer system or treatment works as defined by Section 212 of the Act which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
87. **"POTW Treatment Plant"** shall mean that portion of the POTW designed to provide treatment of municipal sewage and industrial waste.
88. **"Regional Administrator"** shall mean the appropriate EPA Regional Administrator.
89. **"Remodel"** Means any modification to an existing business that involves an expansion of the kitchen area or seating capacity.
90. **"Sanitary Sewer"** shall mean a public sewer that conveys domestic wastewater or industrial wastes or a combination thereof, and into which storm water, surface water, ground water, and other unpolluted water or wastes are not intentionally passed.
91. **"Septage"** shall mean wastes removed from a portable toilet, chemical toilet, or septic tank.
92. **"Severe Property Damage"** shall mean substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
93. **"Shall"** is a mandatory term.
94. **"Show Cause Order"** An order to show cause directs the user to appear before the Control Authority, explain its noncompliance, and show cause why more severe enforcement actions against the user should not go forward.
95. **"Significant Industrial User"** shall mean any industrial user of the City's wastewater treatment system who:
 - A has a discharge flow of 25,000 gallons or more per average work day of process wastewater; excluding sanitary, noncontact cooling and boiler blow down wastewater; or
 - B has a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the city's treatment plant; or
 - C is subject to Categorical Pretreatment Standards; or
 - D is designated as significant by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

Upon a finding that a User meeting the above criteria has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f) (6), determine that such User should not be considered a Significant Industrial User.

96. **"Significant Noncompliance"** shall mean;

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit, the average limit, or Maximum Allowable Discharge Limit for the same pollutant parameter;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit, the average limit, or Maximum Allowable Discharge Limit multiplied by the applicable TRC (TRC = 1.4 for COD, TSS, SGT-HEM, Total Nitrogen and 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average, instantaneous limit, or narrative Standard), that determines has caused, alone or in combination with other discharges, interference or pass-through, (including endangering the health of WWTP personnel or the general public);
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in exercise of emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within thirty (30) days after the due date, required reports, such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation or group of violations which has been determined will adversely affect the operation or implementation of pretreatment program.

97. **"Slug Discharge"** shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Article II, Section 2 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

98. **"Standard Industrial Classification (SIC)"** shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended and revised.

99. **"Standard Methods"** shall mean the examination and analytical procedures set forth in the latest edition at the time of analysis of Standard Methods for the Examination of Water and Wastewater as prepared by the American Water Works Association, or any approved analytical procedure published by the U.S. EPA in 40 CFR Part 136.

100. **"State"** shall mean the State of Arkansas.

101. "**Storm Sewer**" shall mean a public sewer which carries storm and surface water drainage and into which domestic wastewater or industrial wastes are not to be discharged.
102. "**Stormwater**" shall mean any flow occurring during or following any form of natural precipitation.
103. "**Surcharge**" shall mean a service charge in addition to the normal monthly rate which shall be assessed to those non-domestic users who discharge into the Bentonville system wastewater pollutant levels exceeding those found in typical domestic waste.
104. "**Total Phosphorus**" shall mean all of the phosphorus present including all orthophosphates and condensed phosphates both, dissolved and particulate, organic, and inorganic.
105. "**Total Suspended Solids (TSS)**" shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removed by laboratory filtering using a method which is approved by the EPA in 40 CFR 136.
106. "**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 provision of the Federal Water Pollution Control Act (Clean Water Act), Section 307(a), or other federal law.
107. "**Transporter**" shall mean a person who operates a vehicle for the purpose of carrying or conveying liquid waste.
108. "**Trip Ticket**" shall mean the shipping document originated and signed by the transporter which contains the information required by the Control Authority.
109. "**Twenty-Five Percent Rule**" Requirement for grease control devices to be cleaned when 25 percent (%) of its volume is occupied by accumulated grease and food waste.
110. "**User or Industrial User**" shall mean a source of indirect discharge.
111. "**Vehicle**" shall mean a mobile device in which or by which liquid waste may be transported upon a public street or highway.
112. "**Waste Grease Bin**" Outside container used for the storage of yellow grease.
113. "**Wastewater**" shall mean the water, whether treated or untreated, that has been used by and discharged from any industry, commercial enterprise, household or other water consumer.
114. "**Wastewater Treatment Plant or Treatment Plant**" Shall mean that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
115. "**Water Management Division Director**" shall mean one of the directors of the Water Management Divisions within the Regional office of the Environmental Protection Agency or delegated representative.
116. "**Watercourse**" shall mean a material or man-made channel in which a flow of water occurs, either continuously or intermittently.