

ORDINANCE NO. 1075

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE CITY OF RUSSELLVILLE, COUNTY OF POPE, STATE OF ARKANSAS.

PREAMBLE

Whereas the City of Russellville, State of Arkansas wishes to provide for the maximum possible beneficial public use of the City's facilities through adequate regulation of sewer construction, sewer use and industrial waste water discharges, and to provide procedures for complying with requirements placed upon the City by other regulatory bodies, it is hereby ordained and enacted by the City Council of the City of Russellville, State of Arkansas, as follows:

ARTICLE I

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Sec. 1: "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

Sec. 2: "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building

and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Sec. 3: "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Sec. 4: "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Sec. 5: "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Sec. 6: "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Sec. 7: "Major Contributing Industry" shall mean a non-residential user that: (a) has a flow of 25,000 gallons or more per average work day; or (b) has a flow greater than 5 per cent of the flow carried by the sewer system; or (c) has in its waste, a toxic pollutant; or (d) discharges wastewater that is found by the Superintendent, or the NPDES permit issuance authority in connection with the issuance of a NPDES permit to the public wastewater treatment system receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system or upon the quality of effluent therefrom.

Sec. 8: "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Sec. 9: "Person" shall mean any individual, firm, company, association, society, corporation, group, partnership, copartnership, joint stock company, trust, estate, governmental entity or any other legal

entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine. The singular shall include the plural where indicated by the context.

Sec.10: "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Sec.11: "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

Sec.12: "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Sec.13: "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

Sec.14: "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

Sec.15: "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Sec.16: "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Sec.17: "Sewer" shall mean a pipe or conduit for carrying sewage.

Sec.18: "Shall" is mandatory; "May" is permissive.

Sec.19: "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in

quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four hour concentration or flows during normal operation.

Sec.20: "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Sec.21: "Superintendent" shall mean the Superintendent of Sewage Works and/or of Water Pollution Control of the City of Russellville, or his authorized deputy, agent, or representative.

Sec.22: "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Sec.23: "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

[Sec. 24: "Normal Domestic Sewage" shall mean sewage which, when analyzed, shows by weight a daily average of not more than 350 parts per million of suspended solids and/or not more than 350 parts per million BOD.]

Sec.25: "User" shall mean any user who discharges an effluent into the City of Russellville's Sewage Treatment Plant by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, intercepting ditches, and all constructed devices and appliances appurtenant thereto.

Sec.26: "Categorical Pretreatment Standards" shall mean the National Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into a POTW by specific Industrial Dischargers.

Sec.27: "Act" shall mean the Clean Water Act (33 U.S.C. 1251 et seq), as amended.

Sec.28: "City" shall mean the City of Russellville, Arkansas, the local governmental entity enacting and enforcing this Ordinance.

Sec.29: "Permit" is defined as set forth in Articles IV and VIII of this Ordinance.

## ARTICLE II

Sec. 1: It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Russellville, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

Sec. 2: It shall be unlawful to discharge to any natural outlet within the City of Russellville, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Sec. 3: Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Sec. 4: The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public

sanitary or combined sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

### ARTICLE III

Sec. 1: Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

Sec. 2: Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \$10.00 dollars shall be paid to the City at the time the application is filed.

Sec. 3: A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent.

Sec. 4: The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Arkansas. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet (1,394 square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Sec. 5: At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article III, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Sec. 6: The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times; at no expense to the City.

Sec. 7: No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

Sec. 8: When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

#### ARTICLE IV

Sec. 1: No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

Sec. 2: There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$150.00 dollars for a residential or commercial building sewer permit and \$500.00 dollars for an industrial building sewer permit shall be paid to the City at the time the application is filed.

Sec. 3: All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 4: A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.



Sec. 5: Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.

Sec. 6: The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply..

Sec. 7: Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Sec. 8: No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Sec. 9: The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

Sec.10: The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

Sec.11: All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

#### ARTICLE V

Sec. 1: No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Sec. 2: Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

Sec. 3: No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

[(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.]

[(c) Any waters or wastes having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.]

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

Sec. 4: No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the

sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F) unless the POTW treatment plant is designed to accommodate such temperature.

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)°F (0 and 65°C).

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

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

[(e) Any waters or wastes containing toxic materials or heavy metals in concentrations exceeding the following limits:

<u>Element</u>	<u>mg/l</u>
Arsenic	0.05
Barium	5.0
Boron	1.0
Cadmium	0.02

Chromium	0.5
Copper	0.2
Lead	0.1
Manganese	1.0
Mercury	0.005
Nickel	0.8
Selenium	0.02
Silver	0.1
Zinc	0.05
Cyanide	0.05

In addition, waters or wastes containing any measurable trace of the following:

Antimony	Rhenuim
Beryllium	Strontium
Bismuth	Tellurium
Cobalt	Pesticides
Molybdenum	Herbicides
Tin	Fungicides
Uranylion	

(f) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.

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

[(h) Deleted.]

(i) Materials which exert or cause:

[ (1) unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate). ]

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Sec. 5: If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgement of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(a) Reject the wastes,

(b) Require pretreatment to an acceptable condition for discharge to the public sewers,

(c) Require control over the quantities and rates of discharge, and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this article.

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

Sec. 6: Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

Sec. 7: Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Sec. 8: When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer and/or other monitoring facilities together with such necessary meters and other appurtenances to facilitate observation, sampling, and measurement of

the wastes. Such facilities, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The facilities shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Sec. 9: All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole or monitoring facility provided, or upon suitable samples taken at said control manhole or monitoring facility. In the event that no special manhole or monitoring facility has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the buiding sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hr composites of all outfalls whereas pH's are determined from periodic grab samples.)

Sec.10: National categorical pretreatment standards as promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all Industrial Users of the regulated industrial categories. An application for modification of the national categorical



pretreatment standards may be considered for submittal to the Regional Administrator by the Superintendent, when the wastewater treatment system achieves consistent removal of the pollutants as defined by 40 CFR 403.7.

State requirements and limitations on discharges to the Publicly Owned Treatment Works (POTW) shall be met by all Industrial Users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable ordinance.

Sec.11: No statement contained in this ordinance shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern, provided that the industrial concern continues to comply with all applicable State and Federal requirements and standards.

#### ARTICLE VI

[Sec.1: No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person, violating this provision shall be subject to immediate arrest under charge of disorderly conduct.]

#### ARTICLE VII

Sec. 1: The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties at all reasonable times for the purposes

of inspection, observation, measurement, sampling, testing and the performance of their duties, including inspection of all records maintained, in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. However the Superintendent or his representative shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. When such a user has security measures in force which would require proper identification and clearance before entry onto the property the user shall make necessary arrangements so that upon presentation of suitable identification, the Superintendent or his representative will be permitted to enter without delay for the purpose of performing their specific responsibilities.

Sec. 2: While performing the necessary work on private properties referred to in Article VII, Section 1 above, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.

Sec. 3: The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 4: Information and data on a user obtained from applications, permits, monitoring programs and inspections shall be available to the public or any government agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Superintendent that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets. When requested by the person furnishing a report, and until such time as the information is determined not to be confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this ordinance and/or pretreatment programs; provided that, such portions of a report shall be available for use by the City or any City agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information. Information accepted by the Superintendent as confidential shall not be

transmitted to any governmental agency by the Superintendent until and unless a ten (10) day notification is given to the person furnishing the information.

#### ARTICLE VIII

Sec. 1: A permit issued under Article IV of this ordinance to a major contributing industry shall be subject to all the provisions of this ordinance and in addition such a permit may contain any or all of the following:

- (a) The average and maximum wastewater constituents and characteristics.
- (b) Limits on rate and time of discharge and requirements for flow regulations and equalization.
- (c) Requirements for installation of inspection and monitoring facilities.
- (d) Pretreatment requirements.
- (e) Specifications for monitoring programs which may include sampling, number, types and standards for tests and reporting schedule.
- (f) Compliance schedules.
- (g) Requirements for notification to and acceptance by the Superintendent of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater system.
- (h) Requirements for disposal of sludges, floats and skimmings.

- (i) Requirements for submission of technical reports or discharge reports, including frequency of submission.
- (j) Requirements for maintaining plant records relating to wastewater discharge as specified by the Superintendent and affording the Superintendent or his representative access thereto.
- (k) Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants are proposed or present in the Major Contributing Industry's wastewater discharge.
- (l) Additional requirements as determined by the Superintendent.

Sec. 2: Permits are issued to a specific user for a specific operation. Such a permit shall not be reassigned or transferred or sold to another owner, another user, or different premise, nor shall it be transferred to a new or significantly changed operation. At the time the Superintendent determines that a person qualifies as a Major Contributing Industry, the Superintendent shall order that person to obtain a permit of the type set forth in Section 1 of this Article.

Major Contributing Industries shall complete and file with the Superintendent, a permit application therefor in the form prescribed by the Superintendent, and accompanied by the fee of \$200. Existing Users shall apply for a permit within 60 days after the Superintendent's order. Proposed new Users who will be classified as Major Contributing Industries as defined in Article I of this ordinance shall apply at least 120 days prior to connecting to or contributing to the POTW. The Superintendent will evaluate the data furnished by a Major Contributing

Industry and may require additional information. After evaluation and acceptance of the data furnished, the Superintendent will issue a Major Contributing Industry Wastewater Discharge Permit subject to terms and conditions provided herein.

Sec. 3: Any user who violates any section of this ordinance, or applicable State and/or Federal regulations, or any of the following conditions which are hereby made part of every permit, whether stated therein or not, is subject to having his permit revoked:

- (a) The user shall factually report the wastewater constituents and characteristics of his discharge.
- (b) The user shall report significant changes in operation, or in wastewater constituents and characteristics.
- (c) The user shall allow reasonable access to his premises for the purposes of inspection or monitoring.
- (d) The user shall comply with each and every term and condition of the permit.

Sec. 4: The Superintendent shall be responsible for the enforcement of the provisions of this Article and shall have authority to serve notices of violations thereof, to issue orders and impose penalties as authorized therein, and to establish limits for the discharge of toxic or objectionable substances.

Sec. 5: Any person found to be violating any provision of this Article, Superintendent's order, or condition of an industrial permit shall be served by the Superintendent or other agent of the City with written notice stating the nature of the violation. Within thirty (30) days after the date of the notice, unless a shorter time is necessary

due to the nature of the violation, a description of successful corrective action taken or a plan for the satisfactory correction of the violation shall be submitted to the Superintendent. If the violation is not corrected by timely compliance, or a satisfactory correction plan submitted within the specified time, the Superintendent may order any user to show cause before him why enforcement action should not be taken. A written notice shall be served specifying the time and place of a hearing, the reason why the action is to be taken and the proposed enforcement action. The Superintendent may propose to take any enforcement action reasonably necessary to abate the violation, including termination of sewer service. Based upon the evidence presented at the hearing, the Superintendent shall determine the enforcement action which should be taken, if any. This determination may be appealed to a board or representative of the City designated to hear such appeals by filing a written petition with such board or representative within ten (10) days of the Superintendent's ruling. The board or representative shall fix a reasonable time for hearing the appeal, at which the appellants may be represented by counsel, and give written notice to the parties stating the time and place for the hearing. The board or representative shall decide the appeal within a reasonable time and notify the parties of its decision.

Sec. 6: The Superintendent may revoke any permit, or terminate or cause to be terminated wastewater treatment system service to any property, if a violation of any provision of this ordinance is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution, or nuisance as defined in this

ordinance. This provision is in addition to any other provisions set forth for violations of this ordinance.

Sec. 7: Users shall notify the Superintendent immediately of any discharges or highway spills of wastes in violation of this ordinance to enable countermeasures to be taken by the City to minimize damage to the wastewater treatment system and/or the receiving waters.

This notification shall be followed, within 5 days of the date of occurrence, by a detailed written statement from the user describing the causes of the discharge and the measures being taken to prevent its future occurrence. Such notification will not relieve users of liability for any consequential expense, loss or damage to the wastewater treatment system or for any fines and/or penalties imposed on the City which result from the violative discharge.

Users shall make available to their employees copies of this ordinance and together with such other wastewater information and notices which may be furnished by the Superintendent from time to time directed toward more effective waste pollution control. A notice shall be furnished and permanently posted by the user in a conspicuous place advising employees whom to call in case of any discharge in violation of this ordinance.

Sec. 8: When the Superintendent finds that a discharge of wastewater, in violation of this ordinance, or the provisions of a permit issued to a Major Contributing Industry, has taken place or threatens to take place, the Superintendent may issue an order to cease and desist, and direct that those persons not complying therewith shall:



- (a) Comply forthwith,
- (b) Comply in accordance with a time schedule set forth by the Superintendent, or
- (c) Take appropriate remedial or preventive action in the event of a threatened violation.

Sec. 9: When the City finds that a discharge of wastewater, in violation of this ordinance, or wastewater source control requirements, effluent limitations or pretreatment standards or the provisions of a permit, has been taking place, the Superintendent may require the user to submit for approval, with such modifications as the Superintendent deems necessary, a detailed time schedule of specific actions which the user shall take in order to either prevent the discharge or correct the violation of requirements resulting therefrom.

Sec. 10: Any person who violates any provision of this Article or any condition of a permit issued to a Major Contributing Industry, or who violates any cease and desist order, prohibition, effluent limitation, or pretreatment or toxicity standard, issued or established to implement this ordinance, shall be liable civilly to a penalty not to exceed \$100 for individuals and \$100 for corporations. Each day in which a violation occurs shall be considered a separate violation.

The Superintendent may assess a penalty of up to \$50 for each such violation and add such penalty to the user's charges and fees. Such assessments shall be offset against any subsequent penalty otherwise imposed for the same violation. Civil penalties in excess of \$50 shall be assessed by Municipal Court.

An such penalty imposed shall not be construed as liquidated damages, and shall accrue in addition to any liability for any consequential damages or additional operating expense resulting from the violation for which the penalty is imposed. Consequential damages shall include but not be limited to, fines and penalties imposed upon the City by other public authorities.

Sec. 11: Any person who violates any provision of this Article or any condition of a permit issued to a Major Contributing industry, effluent limitation, or pretreatment or toxicity standard, issued or established to implement this ordinance shall be liable upon conviction to a sum not to exceed \$1,000 for each day in which such violation occurs, or to imprisonment for not more than 6 months, or both.

Sec. 12: All users subject to this ordinance shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a user in connection with its discharge. All records which pertain to matters which are the subject of enforcement or litigation activities brought by the City shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

Sec. 13: Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method shall upon conviction be punished as provided in Section 11 of this Article.

Sec. 14: No user shall 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 any local, state, or federal discharge standard.

Sec.15: The City reserves the right to amend any permit issued hereunder in order to assure compliance by the City with applicable laws and regulations, to comply with modifications with the limitations and requirements of Article V, or if other just cause exists. Within 180 day of the promulgation of a National Categorical Pretreatment Standard, all industrial Users subject to such standards shall submit to the City a baseline report as stipulated in Part 403.12(b) of the Federal Register. This report shall be in addition to any other reports, applications, or questionnaires required or previously submitted. Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the permit of each industrial User subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. All National Categorical Pretreatment Standards adopted after the promulgation of this Ordinance shall be adopted by the City as part of this Ordinance. Where an Industrial User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Major Contributing Industry Permit as required by Sections 1 and 2 of this Article, the industrial User shall apply for a Major Contributing Industry Permit from the City within 60 days after the promulgation of the applicable National Categorical Pretreatment Standard by the U.S. EPA. The Industrial User

shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Sec.16: All permits shall be issued for perpetual duration, subject to amendment or revocation as provided in this Ordinance. Under extraordinary circumstances, a permit may be issued for a stated period or may be stated to expire on a specific date.

Sec.17: Major Contributing Industries are required to provide and operate at the User's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the City. Each monitoring facility shall be situated on the User's premises, except where such a location would be impractical or cause undue hardship on the User, the City may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such monitoring facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed within 120 days of receipt of a Major Contributing Industry Permit.

The City may inspect the monitoring facilities of any User to determine compliance with the requirements of this Ordinance. The User shall allow the City or its representatives to enter upon the premises of the User at all reasonable hours, for the purposes of inspection, sampling, or records examination. The City shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations.

#### ARTICLE IX

Sec. 1: Any person found to be violating any provision of this ordinance except Article VI and Article VIII shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 2: (a) Any person who shall continue any violation beyond the time limit provided for in Article IX, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding Three Hundred Dollars (\$300.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Sec. 2: (b) In the event the prescribed sewer service charge is declared delinquent and has not been paid in full within four (4) months of the initial due date, the City shall at its option disconnect the sanitary sewer from the sewer collection line. The location of the disconnect shall be at the discretion of the City. The sewer may be re-

connected to the City's collection system by the affected property owner who shall bear the entire expense of all costs for the reconnect provided that the delinquent account has been paid in full and that the City has been reimbursed in full for all costs borne by the City resulting from the disconnecting of the sewer. Further the City shall have the option in addition to any penalties set forth in this Ordinance to disconnect the sewer for any violation of this Ordinance in the use of the sanitary sewer.]

Sec. 3: Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, enforcement cost, loss, or damage occasioned the City by reason of such violation.

Sec. 4: A list of the users which were significantly violating provisions of this ordinance during the 12 previous months shall be annually published by the Superintendent in a local newspaper. The notification shall also summarize any enforcement action taken against the user during the same 12 months. For the purpose of this Section, significant violations are those violations which remain uncorrected beyond any time limit set for corrective action; which are part of a pattern of noncompliance over a 12 month period; or which involve a failure to accurately report noncompliance.

Sec. 5: Either as an alternative to any procedure established in this ordinance or as an enforcement action thereunder, the Superintendent may seek injunctive relief to restrain the violation of, or attempted violation of, any provision of this ordinance.

ARTICLE X

Sec. 1: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 2: The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

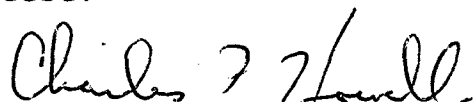
Sec. 3: The City reserves the right to amend the requirements set forth in this ordinance in any manner and to establish more stringent limitations or requirements where deemed necessary to comply with the objectives set forth in the Preamble to this ordinance.

ARTICLE XI

Sec. 1: This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

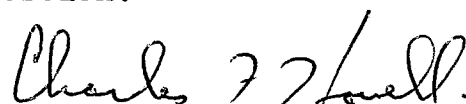
  
W. H. Hashbarger, Mayor

Attest:

  
Charles F. Howell, City Clerk

May 12, 1983

This is to certify that the above is a true and correct copy of Ordinance No. 1075 as passed by the Russellville City Council Thursday, May 12, 1983, in regular session.

  
Charles F. Howell, City Clerk