

TITLE 10

WATER AND SEWER

Chapters:

- 10.02 Definitions
- 10.04 Water Rates
- 10.08 Water Meters and Fees
- 10.12 Fluoride
- 10.16 Sewer Regulations
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- 10.40 Hearings and Payment of Claims

CHAPTER 10.02

DEFINITIONS

Sections:

- 10.02.01 Definitions

10.02.02 Definitions Hereafter, the following definitions shall apply to be used in the interpretation and administration of Batesville water rates, to-wit:

Residential users - those using water services in or appurtenant to a structure used or designed for use as a dwelling place, whether for single or multiple occupancy, excluding hotels and motels.

Commercial users - those using water services in or appurtenant to a structure used or designed for use as a place of business, including hotels and motels, but excluding industrial users.

Industrial users - those using water services in or appurtenant to a structure or enclosure used or designed for use as a place for manufacturing or processing goods.

Wholesale users - any municipality, water association, improvement district or legal entity desiring to purchase water from the city of Batesville, Arkansas, for resale by individual metering. (Ord. No. 2009-6-4, Sec. 2)

CHAPTER 10.04

WATER RATES

Sections:

- 10.04.01 Monthly water rates
- 10.04.02 Wholesale user rates

10.04.01 Monthly water rates Commencing with the January 1, 2009, billing period, the following monthly rates shall be, and they are hereby fixed as rates to be charged for water furnished by the Waterworks System of the City, which rates the Council finds and declares to be reasonable and necessary minimum rates to be charged:

Customers inside city limits Subject to the conditions hereinafter set out, the charges for water services and water usage for each customer inside the city limits shall be based on the customer’s meter size and the customer’s metered water usage in accordance with the schedules shown below.

- A. Minimum charges per month for first 1,000 gallons or part thereof per meter size:

Residential, commercial, and industrial user customers inside the city limits shall pay the following minimum monthly rates for the first one thousand (1,000) gallons or any part thereof of metered water usage based upon meter size:

<u>Meter Size</u>	<u>Minimum Charge for 0-1000 gallons</u>
8”	\$1162.00
6”	\$668.00
4”	\$305.00
3”	\$174.00
2”	\$73.00
1’	\$18.00
5/8”	\$7.26
½”	\$7.26

B. Over one thousand gallons per month:

Residential, commercial, and industrial user customers inside the city limits shall be charged the following rates for metered water usage in excess of one thousand (1,000) gallons per month.

1. More than 1,000 gallons and up to 100,000 gallons - \$2.80 per thousand gallons.
2. More than 100,000 gallons and up to 2,000,000 gallons - \$2.13 per thousand gallons.
3. More than 2,000,000 gallons - \$1.67 per thousand gallons.

C. Meter size

The size of the meter shall be commensurate with the potential use of water (maximum rate of demand), and shall be determined by the city of Batesville. (Ord. No. 2009-6-4, Sec. 3.2.)

Customers Outside City Limits Subject to the conditions hereinafter set out, the charges for water services and water usage for each residential, commercial, or industrial user customer outside the city limits shall be based on the customer's meter size and the customer's metered water usage in accordance with the schedules shown below:

A. Minimum charges per month for first 1,000 gallons or part thereof per meter size:

<u>Meter Size</u>	<u>Minimum Charge for 0-1000 gallons</u>
8"	\$1,452.00
6"	\$835.00
4"	\$381.00
3"	\$218.00
2"	\$91.00
1"	\$22.69
5/8"	\$9.08
1/2"	\$9.08

B. Over one thousand gallons:

Customers outside the city limits shall pay the following rates for metered water usage in excess of one thousand (1,000) gallons per month.

1. More than 1,000 gallons and up to 100,000 gallons - \$3.50 per thousand gallons.

- 2. More than 100,000 gallons and up to 2,000,000 gallons - \$2.66 per thousand gallons.
- 3. More than 2,000,000 gallons - \$2.09 per thousand gallons.

C. Meter size

The size of the meter shall be commensurate with the potential use of water (maximum rate of demand), and shall be determined by the city of Batesville.

D. Approval

Contracts to sell water to residential users, commercial users, industrial users and wholesale users outside the city limits of Batesville, Arkansas, or for wholesale users who purchase water inside the city limits for resale outside the Batesville city limits must be approved first by the Batesville Utilities Commission and then referred to the City Council of the city of Batesville where it must be approved by a majority vote. (Ord. No. 2001-9-1, Sec. 1.)

10.04.02 Wholesale user rates Any municipality, water association, improvement district, or other legal entity which purchases water for resale shall purchase 0-1000 gallons per month at a rate to be fixed by contract or the minimum charge for 0-1000 gallons of monthly water usage charged to customers outside the city limits per meter size. All water in excess of the first one thousand (1,000) gallons per month shall be purchased by wholesale customers at a rate to be fixed by contract, but not less than \$2.09 per thousand gallons. (Ord. No. 2009-6-8, Sec. 1.)

CHAPTER 10.08

WATER METERS AND FEES

Sections:

- 10.08.01 Private fire connections
- 10.08.02 Monthly water rates
- 10.08.03 Wholesale user rates
- 10.08.04 Private fire connections
- 10.08.05 Billing procedure
- 10.08.06 Fees for work related to water and sewer services
- 10.08.07 Inoperative meters
- 10.08.08 Water connection fees
- 10.08.09 Deposits

10.08.10	New meter installation
10.08.11	Road bore fee
10.08.12	Inspection fees
10.08.13	Non-payment disconnect and reconnect penalty fees
10.08.14	Insufficient check or bank draft fee
10.08.15	Damaged services
10.08.16	Sewer tap fees
10.08.17	Sewer road bores
10.08.18	Sanitary sewer inspection fees

10.08.01 Private fire connections Private fire connections for private premises shall pay the following fire service charges per year:

- A. Automatic sprinkler system connections,
- | | | |
|----|---|------------------------------|
| 1. | 1,000 heads or less | \$523.00 annually |
| 2. | For systems containing more than 1,000 heads – for each head in excess of 1,000 | \$523.00 plus \$.58 annually |
- B. Private fire hydrants; standard hydrant with two 2.5” standard hose connections \$523.00 annually per hydrant
- | | |
|--|-------------------------------|
| Standard hydrant with one 2.5” hose connection | \$378.00 annually per hydrant |
|--|-------------------------------|
- C. The service charge for fire hose standpipes shall be:
- | | |
|--|--------------------------|
| 1.25” diameter openings or smaller | \$35.00 annually (each) |
| 1.5” diameter openings | \$58.00 annually (each) |
| 2 “ diameter openings | \$131.00 annually (each) |
| 2.5” diameter openings
(Ord. No. 2009-6-4, Sec. 3.8.) | \$261.00 annually (each) |

10.08.02 Monthly water rates Commencing with the January 1, 2010, billing period, the following monthly rates shall be, and they are hereby fixed, as rates to be charged for water furnished by the Waterworks System of the city, which rates the Council finds and declares to be reasonable and necessary rates to be charged.

Customers inside city limits Subject to the conditions hereinafter set out, the charges for water services and water usage for each customer inside the city limits shall be based on the customer’s meter size and the customer’s metered water usage in accordance with the schedules shown below.

A. Minimum charges per month for first 1,000 gallons or part thereof per meter size:

Residential, commercial, and industrial user customers inside the city limits shall pay the following minimum monthly rates for the first one thousand (1,000) gallons or any part thereof of metered water usage based upon meter size:

<u>Meter Size</u>	<u>Minimum Charge for 0-1000 gallons</u>
8”	\$1359.00
6”	\$782.00
4”	\$357.00
3”	\$204.00
2”	\$85.00
1’	\$21.00
5/8”	\$8.50
1/2”	\$8.50

B. Over one thousand gallons per month:

Residential, commercial, and industrial user customers inside the city limits shall be charged the following rates for metered water usage in excess of one thousand (1,000) gallons per month.

1. More than 1,000 gallons and up to 100,000 gallons - \$3.27 per thousand gallons.
2. More than 100,000 gallons and up to 2,000,000 gallons - \$2.49 per thousand gallons.
3. More than 2,000,000 gallons - \$1.95 per thousand gallons.

C. Meter size

The size of the meter shall be commensurate with the potential use of water (maximum rate of demand), and shall be determined by the city of Batesville. (Ord. No. 2009-6-4, Sec. 4.3.)

Customers Outside City Limits Subject to the conditions hereinafter set out, the charges for water services and water usage for each residential, commercial, or industrial user customer outside the city limits shall be based on the customer’s meter size and the customer’s metered water usage in accordance with the schedules shown below:

- A. Minimum charges per month for first 1,000 gallons or part thereof per meter size:

<u>Meter Size</u>	<u>Minimum Charge for 0-1000 gallons</u>
8”	\$2,124.00
6”	\$1221.00
4”	\$558.00
3”	\$319.00
2”	\$133.00
1”	\$33.00
5/8”	\$13.28
1/2”	\$13.28

- B. Over one thousand gallons:

Customers outside the city limits shall pay the following rates for metered water usage in excess of one thousand (1,000) gallons per month.

1. More than 1,000 gallons and up to 100,000 gallons - \$4.09 per thousand gallons.
2. More than 100,000 gallons and up to 2,000,000 gallons - \$3.11 per thousand gallons.
3. More than 2,000,000 gallons - \$2.44 per thousand gallons.

- C. Meter size

The size of the meter shall be commensurate with the potential use of water (maximum rate of demand), and shall be determined by the city of Batesville. (Ord. No. 2009-6-4, Sec. 4.6)

10.08.03 Wholesale user rates Any municipality, water association, improvement district, or other legal entity which purchases water for resale shall purchase 0-1000 gallons per month at a rate to be fixed by contract or the minimum charge for 0-1000 gallons of monthly water usage charged to customers outside the city limits per meter size. All water in excess of the first one thousand (1,000) gallons per month shall be purchased by wholesale customers at a rate to be fixed by contract, but not less than \$2.44 per thousand gallons. (Ord. No. 2009-6-8, Sec. 1.)

10.08.04 Private fire connections Private fire connections for private premises shall pay the following fire service charges per year:

- A. Automatic sprinkler system connections,
 - 1. 1,000 heads or less \$612.00 annually
 - 2. For systems containing more than 1,000 heads – for each head in excess of 1,000 \$612.00 plus \$.68 annually

- B. Private fire hydrants; standard hydrant with two 2.5” standard hose connections \$612.00 annually per hydrant
 Standard hydrant with one 2.5” hose connection \$442.00 annually per hydrant

- C. The service charge for fire hose standpipes shall be:
 - 1.25” diameter openings or smaller \$41.00 annually (each)
 - 1.5” diameter openings \$68.00 annually (each)
 - 2 “ diameter openings \$153.00 annually (each)
 - 2.5” diameter openings \$306.00 annually (each)
(Ord. No. 2009-6-4, Sec. 4.8.)

10.08.05 Billing procedure Bills for water shall be rendered monthly. If a bill is not paid on or before the twentieth (20th) day following the original date of billing, a ten percent (10%) penalty shall be added to the bill. If a bill is not paid on or before the thirtieth (30th) day following the original date of billing, the city shall disconnect the water services to the premises. (Ord. No. 2009-6-4, Sec. 5.)

10.08.06 Fees for work related to water and sewer services Fees relating to disconnection and reconnection of water services shall be charged in accordance with Ord. No. 2007-10-1, as amended, which sets forth the fees for work related to water and sewer services. (Ord. No. 2009-6-4, Sec. 6.)

10.08.07 Inoperative meters Should a customer’s meter be determined by the Water System Manager to be inoperative or faulty, the customer’s monthly usage charge for the purpose of billing shall be the average usage of the three previous months that the meter was

determined to be functioning properly. Should the meter failure be determined to have been a failure of three months or more, the customer shall be liable for water charges during the months of meter failure based on the average of the water usage for the twelve months prior to the meter failure. (Ord. No. 2009-6-4, Sec. 7.)

10.08.08 Water connection fees A connection fee shall be charged for connection to the Batesville Water Utilities System for all customers both inside and outside of the Batesville city limits. "All customers" does include rental property connected for the property owner for a short time, transfer of service from one service address to another, readouts or change of service (if a trip is necessary) from one name to another. Due to a connection fee charge for all connection, the less than six (6) month charge of Five Dollars (\$5.00) is hereafter no longer charged. If the Batesville Water Utilities' employee must work past 5:00 p.m. in order to complete the connection, it is considered a continuation of the work day after 5:00 p.m., and must be charged at the overtime rate. If the Batesville Water Utilities' employee must be called in after having left the premises of Batesville Water Utilities, it shall be considered an emergency call-out and the customer shall be charged for two (2) hours at the overtime rate.

<u>Description</u>	<u>Charge</u>
During normal work hours	\$15.00
After 5:00 continuation of work day	\$35.00
Employee called in after having ended the work day (Ord. No. 2007-10-1, Sec. 1.)	\$65.00

10.08.09 Deposits Deposits shall be as follows:

<u>Residential</u>	<u>Amount</u>
Water	\$40.00
Sewer	\$40.00
Water and sewer	\$80.00
Cleaning deposit	\$35.00

	<u>Minimum</u>	<u>Maximum</u>	<u>Calculation</u>
*Commercial	\$100.00	\$500.00	3 x monthly average

*Three times the expected monthly water bill or three times the history at that location or similar business type. (Ord. No. 2007-10-1, Sec. 2.)

10.08.10 New meter installation New meter installation fees shall be as follows:

<u>Meter size</u>	<u>Inside city limits</u>	<u>Outside city limits</u>
¾ “	\$400.00	\$450.00
1”	\$500.00	\$550.00
2”	\$1,500.00	\$1,500.00
3”	\$3,000.00	\$3,000.00
4” or larger	Cost plus	

Upgrades of existing meters to a larger meter shall be charged at cost of materials and parts. If with the original installation an extra meter is set but not used immediately, upon activation, it shall be charged at the current rate rather than the rate in use at the time of installation. (Ord. No. 2007-10-1, Sec. 3.)

10.08.11 Road bore fee Road bores, other than state or federal highways, for ¾ “ and 1” meters shall be charged at \$750.00. If the water main is under the hard surface, the charge shall be \$25.00 per foot. Road bores for meters over 1” shall be charged at cost of materials, parts, labor and equipment usage. (Ord. No. 2007-10-1, Sec. 4.)

10.08.12 Inspection fees All inspections, both water and sewer, shall be charged at \$35.00 per trip. If more than one inspection is performed on the same property for the same customer during the same trip in the normal allotted time, the charge shall be for one trip. Inspections may include the water service line, the sewer service line (sanitary sewer) and new construction rough-in, top-out and final inspection. (Ord. No. 2007-10-1, Sec. 5.)

10.08.13 Non-payment disconnect and reconnect penalty fees Non-payment, disconnect and re-connect penalties and charges shall be per trip based on an average cost of \$25.00 per hour with the average trip projected to last approximately ½ hour. Charges shall be as follows:

<u>Description</u>	<u>Amount</u>	<u>Explanation</u>
Collection call	\$15.00	Bill paid to serviceperson or arrangements made
Disconnect	\$15.00	Disconnect service for non-payment
Reconnect	\$15.00	Reconnect service after payment
After 5:00 p.m.	\$25.00	Reconnect after 5:00 p.m. before service person leaves work
Emergency call-out	\$65.00	Reconnect after service person has left work

At the time of the collection call, the customer will still be allowed to pay a minimum of the past due bill, plus collection call charges. If the service is disconnected, the customer must pay both past due and current bills, plus disconnect and reconnect fees, in order to have service reconnected. Customers who fail to pay as stipulated in their extension agreements must pay

past due and current charges, plus disconnect and reconnect charges and late fees, in order to keep their service from being disconnected. If the customer having made an agreement does not pay at least the amount stipulated on the date stipulated, the service shall be disconnected after 24 hours, and an additional disconnect/reconnect fee shall be added to their account. (Ord. No. 2007-10-1, Sec. 6.)

10.08.14 Insufficient check or bank draft fee After the first insufficient check, the customer may be called to redeem the check from the bank without penalty if they immediately pay the bill for which the check was written. If Batesville Water Utilities must go to the bank and redeem the check, an additional \$30.00 shall be assessed against the account (\$15.00 to disconnect service, and \$15.00 to reconnect service). If reconnect is after 5:00 p.m., but before service person has left work for the day, the charge shall be \$30.00, plus an additional \$20.00 shall be assessed to the account. If reconnect is after the service person has left for the day, and must be called back to work, the charge shall be \$30.00, plus an additional \$50.00 shall be assessed to the account. All past due and current charges, plus disconnect and reconnect charges, must be paid before service can be reconnected. The same process shall be followed for an insufficient bank draft. (Ord. No. 2007-10-1, Sec. 7.)

10.08.15 Damaged services Damage to a service is defined as cutting the lock, damaging the eyelets or the hasp on the setter when trying to turn water service on illegally or damaging the meter, i.e. breaking the register in order to stop the meter from registering usage. A damage charge of \$100.00 shall be assessed against the account for each separate incidence of such damage. If such damage occurs during an attempt to circumvent the metering system, \$100.00 shall be assessed against the account, plus the damage charge of \$100.00, plus the estimated charged for water used. If a customer continues to damage services or continues in an attempt of theft of services, Batesville Water Utilities is authorized to disconnect the service at the main line. If such service is disconnected at the main line, the customer will be required to pay the full cost of setting a new service in addition to all other charges levied to this account in order for service to be restored. (Ord. No. 2007-10-1, Sec. 8.)

10.08.16 Sewer tap fees After the customer has excavated in accordance with all safety standards, Batesville Water Utilities shall, on existing main lines and manholes, make the tap at a charge of \$300.00 per tap. In a development of another developer who installed approved stub-outs, a builder shall be charged a \$75.00 fee by Batesville Water Utilities for access to the sanitary sewer. Sewer connections for a developer building in their own development where they have constructed approved sewer main lines and manholes with approved stub-outs shall not be assessed an access fee. Use by a customer of an existing pre-used sewer connection shall not be assessed an access fee. All taps, connections, stub-outs and sewer lines attaching to the Batesville Water Utilities sewer collection system shall be inspected and approved by a representative of Batesville Water Utilities before access will be granted to the system. Batesville Water Utilities shall be contacted prior to construction to allow time to schedule a representative to inspect during construction. (Ord. No. 2007-10-1, Sec. 9.)

10.08.17 Sewer road bores Road bores for sewer connections shall be up to the customer or contractor. Batesville Water Utilities shall be contacted prior to construction to allow time to schedule a representative to inspect the road bore. (Ord. No. 2007-10-1, Sec. 10.)

10.08.18 Sanitary sewer inspection fees All inspections, both water and sewer, shall be charged at \$35.00 per trip. If more than one inspection is performed on the same property for the same customer during the same trip in the normal allotted time, the charge shall be for one trip. Inspections may include the water service line, the sewer service line (sanitary sewer) and new construction rough-in, top-out and final inspection. If an inspection is required after normal work hours, the charge shall be \$65.00. If the after-hours inspection requires more than two hours portal to portal, the additional time shall be at \$32.50 per hour. (Ord. No. 2007-10-1, Sec. 11.)

CHAPTER 10.12

FLUORIDE

Sections:

10.12.01 Fluoride

10.12.01 Fluoride The Batesville Utilities Commission, be and is hereby authorized and directed to add fluoride (fluoridion) into the drinking water supply system of the city in such quantities as are required to maintain throughout the pipe distribution system a concentration of about 1.2 part per million, or as designated by the Arkansas State Board of Health. All subsequent fluoridation shall be in all things in accord with and subject to all rules, requirements and regulations of said Board of Health. (Ord. 651, Sec. 1)

CHAPTER 10.16

SEWER REGULATIONS

Sections:

10.16.01	Definitions
10.16.02	Use of public sewers required
10.16.03	Private sewage disposal system
10.16.04	Building sewers and connections
10.16.05	Use of public sewers
10.16.06	Power and authority of inspector
10.16.07	Protection from damage
10.16.08	Penalty for violation

10.16.01 Definitions Unless the context specifically indicates otherwise, the meaning of the terms used shall be as follows:

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 twenty (20) degrees C, expressed in milligrams per liter.

Building drain shall mean that part of the lowest horizontal piping of drainage system which receives the discharge from soil, 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.

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

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.

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

Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

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

Ph shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

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 inch (1.27 centimeters) in any dimension.

Public sewer shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

Sanitary sewer shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Sewage shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Sewage treatment plant shall mean any arrangement of devices and structures used for treating sewage.

Sewage works shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Sewer shall mean a pipe or conduit for carrying sewage.

Shall is mandatory; **may** is permissive.

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

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

Superintendent shall mean the superintendent of sewage works and/or of water pollution control of the city or his authorized agent, deputy, or representative.

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

Watercourses shall mean a channel in which a flow of water occurs, either continuously or intermittently. (Ord. No. 717, Sec. 1)

10.16.02 Use of public sewers required

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment had been provided in accordance with subsequent provisions of this ordinance.
- C. 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.
- D. 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, 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 the city after date of official notice to do so, provided that said public sewer is within 300 feet of the property line. (Ord. No. 717, Sec. 2)

10.16.03 Private sewage disposal system 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.

The following lot sizes should be provided, but are not mandatory, when septic tank absorption field systems are proposed.

- A. If an individual water well supply and septic tank system are proposed, the lot size should be a minimum of 60,000 square feet. The width of the lot should be at least 200 feet;
- B. If a public water supply is proposed and an individual septic tank absorption field system is to be used for sewage disposal, the lot size should be a minimum of 40,000 square feet and the width of the lot should be at least one-third (1/3) the depth of the lot.

The lot width and size requirements may be varied in areas where percolation rates and sub-surface conditions permit and approval of the Arkansas State Department of Health is obtained. In those instances where lots have been platted and recorded prior to the adoption of this ordinance, the lot sizes will not apply.

No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Ord. No. 816, Sec. 1)

10.16.04 Building sewers and connections

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance therein without first obtaining a written permit from the inspector.
- B. There shall be two classes of public building sewer permits:
 - 1. for residential and commercial service, and
 - 2. 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 inspector. A permit and inspection fee of Five Dollars, (\$5.00) for residential building sewer permit shall be paid to the city at the time the application is filed.
- C. All costs and expenses incident to the installation and connection of the building sewer shall be born 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.
- D. 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 extend to the rear building and the whole considered as one building sewer.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the plumbing inspector, to meet all requirements of this ordinance.
- F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, joining, 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 and the Arkansas Department of Health regulations shall apply.

- G. 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.
- H. No person shall make connection of roof downspouts, exterior foundation drains, or other sources of surface runoff or groundwater to building sewer of building drain which in turn is connected directly or indirectly to a public sewer.
- I. 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 and the Arkansas Department of Health regulations. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the plumbing inspector before installation.
- J. The applicant for the building sewer permit shall notify the plumbing inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the plumbing inspector or his representative.
- K. 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.

10.16.05 Use of public sewers

- A. 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 water or swimming pool water to any sanitary sewer. (Ord. No. 717, Sec. 4)
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as 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, or natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - 1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, soil, or gas.

2. Any waters or wastes containing toxic or poisonous solids, liquids, or gasses in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewer treatment process, or any part of the sewer treatment facilities or sanitary sewerage works, or create any hazard in the receiving waters of the sewage treatment plant. (Ord. No. 905, Sec. 2 (a))
 3. Any waters or wastes having a ph lower than 6.0 or having any other corrosive property capable of causing damage or hazard to structures, sewers, equipment or appurtenances thereto or to personnel of the sewage works.
 4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or pumping facilities, 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, pauch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- D. 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, having 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 inspector will give consideration to such features 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:

1. Any liquid or vapor having a temperature higher than 150 degrees F,(65c).
2. Any water or wastes containing fats, wax, greases, or oils, whether mulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees F (0 to 65 degrees C).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the city.

4. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceed the limits established by the city for such materials.
6. Any waters or wastes containing phenols or other taste-odor producing substances, in such concentrations exceeding limits which may be established by the city 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.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations.
8. Any waters or wastes having a ph excess of 8.0.
9. Materials: 1. Which cause or exert unusual concentrations of inert suspended solids (including, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (including, but not limited to, sodium chloride and sodium sulfate). 2. Which cause or exert excessive discoloration (including, but not limited to, dye waste and vegetable tanning solutions). 3. Which contain in excess of 270 milligrams per liter of suspended solids or in excess of 30 milligrams per liter of sulfates.
10. Which contain concentrations of waste having in excess of 270 milligrams per liter biochemical oxygen demand (BOD). 5. Which exert or cause unusual volume of flow or concentration of wastes constituting "Slugs" as defined herein. Concentrations of wastes discharged to the sewer system in excess of that named in Article V, Section 4(i)(3) and 4(i)(4) above will be subject to a surcharge to be assessed under a separate city ordinance. Water users discharging waste in excess of 350 milligrams per liter BOD or 350 milligrams per liter of suspended solids must provide pretreatment to a level of 350 milligrams per liter BOD and 350 milligrams per liter of suspended solids, or less, for both suspended solids and BOD, unless specifically exempted by separate city action. (Ord. No. 905, Sec. 1 as amended by Ord. No. 940)
11. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process 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.

- E. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which contain the substances or possess the characters enumerated in Section 10.16.05, part 4, in which in the judgment of the city, may have a deleterious affect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city 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 part 10 of this section.

If the city 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 city and state and subject to the requirements of all applicable codes, ordinances and laws.

- F. Greases, oil and sand interceptors shall be provided when, in the opinion of the superintendent and/or inspector, they are necessary for the proper handling of liquid wastes containing greases 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 city and state and shall be located as to be readily and easily accessible for cleaning and inspection.
- G. 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.
- H. When required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes, such manhole when required shall be accessible and safely located and shall be constructed in accordance with plans approved by the city and state. The manhole shall be installed by him so as to be safe and accessible at all times.
- I. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be

determined at the control manhole provided, or upon suitable samples taken at said control manholes. In the event that no special manhole 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 building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or sample should be taken). Normally, but not always, BOD and suspended solids analysis are obtained from twenty-four (24) hour composites of all outfalls whereas ph's are determined from periodic grab samples.

- J. No statement contained in this section 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. (Ord. No. 717, Sec. 5)

- K. The maximum permissible limits for the following described metals are hereby established:

<u>ELEMENT</u>	<u>CONCENTRATION (mg/l)</u>	<u>MAXIMUM LIMITS (mg/l)</u>
Arsenic	0.05	0.05
Barium	5.00	5.00
Boron	1.00	1.00
Cadimum	0.02	0.02
Chromium	0.05	0.50
Copper	0.02	0.20
Lead	0.10	0.10
Maganese	0.50	1.00
Mercury	0.002	0.005
Nickel	0.08	0.80
Selenium	0.02	0.02
Silver	0.01	0.10
Zinc	0.05	0.50

If at least a tenfold dilution is available in a receiving sewer system at its absolute minimum flow, these allowable values may be increased tenfold, but no more. Under no circumstances will more than 0.05 parts per million can be discharged to a sewer or stream. if discharge to a sewer or stream is contemplated on any of the metals described below, reference should be made to the Arkansas Pollution Control Commission for guidance. Said metals are: Antimony, beryllium, bismuth, cobalt, iron, molybdeum, rhenium, strontium, tellurium, tin and uranylion. (Ord. No. 905, Sec. 2)

10.16.06 power and authority of inspector

- A. The inspector and other duly authorized employees of the city bearing credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurements, sampling, and testing 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 of facilities for waste treatment.
- B. While performing the necessary work on private property referred to in part one (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 from injury or death to 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 negligency or failure of the company to maintain safe conditions as required in Section 10.16.05, part 8.
- C. The superintendent and other duly authorized employees of the city bearing credentials and identifications 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 and 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. (Ord. No. 717, Sec. 7)

10.16.07 Protection from damage No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. No. 717, Sec. 6)

10.16.08 Penalty for violation

- A. Any person found to be violating any provision of this ordinance except Section 10.16.07 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.
- B. Any person who shall continue any violation beyond the time limit provided for in part 1 of this section shall be guilty of a misdemeanor, and on conviction

thereof, shall be fined in the amount not exceeding One Hundred Dollars (\$100.00) for each violation. Each day in which such violation shall continue shall be deemed a separate offense.

- C. Any person violating any of the provisions of this ordinance shall become liable to the city for any expenses, loss or damage occasioned the city by reason of such violation. (Ord. No. 717, Sec. 8)

CHAPTER 10.17

SURCHARGE FOR EXTRAORDINARY POLLUTANTS

Sections:

10.17.01 Qualifications and formula

10.17.01 Qualifications and formula

- A. All persons, corporations or firms discharging wastewater into the Batesville Sewer System who meet either of the following qualifications:
1. Which discharge wastewater into the system for a time in excess of fifteen (15) continuous minutes per day which wastewaters have a concentration equal to or greater than four (4) times the average BOD (270 milligrams per liter) or equal to or greater than four (4) times the average suspended solids (270 milligrams per liter).
 2. Which discharge wastewaters into the system having an average concentration in excess of 270 BOD or 270 S.S.; shall pay, in addition to the ordinary user charge imposed by Batesville Ordinance No. 892 of 1978 as amended, a surcharge which shall be computed as follows:

Monthly surcharge = $A \times 8.34 (B (SS-270) + C (BOD - 270))$ Where:

A = millions of gallons of wastewater discharged per month.

S.S. = suspended solids content expressed in milligrams per liter.

BOD = Biochemical oxygen demand expressed in milligrams per liter.

B = cost per pound for treatment of suspended solids.

C = cost per pound for treatment of concentrations having BOD.

- B. That from the date of passage of this ordinance to November 1, 1981, the average cost per pound for treatment of suspended solids (i.e. "B" in the above formula) shall be \$0.02 per pound; and the average cost per pound for treatment of concentrations having biochemical oxygen demand (i.e. "C" in the above formula) shall be \$0.11 per pound. On and after November 1, 1981, and annually thereafter, the values for factors B and C shall be determined as follows:

$$\text{B} = \frac{\text{Suspended Solids} = 10\% (\text{total O \& M costs})}{\text{Cost Per Pound} \quad \text{total pounds of S.S. treated in preceding FY}}$$

$$\text{C} = \frac{\text{BOD Cost} = 60\% (\text{total O \& M costs})}{\text{Per Pound} \quad \text{total pounds of BOD in preceding FY}}$$

- C. Each user falling into the category set out in paragraph 1 above shall provide to and maintain for the use of the Batesville Utilities Commission or its designee a suitable accessible inspection chamber or manhole on the user's premises near the connection of the user's facility with the city's sewer. The Utilities Commission or its agents, employees or designees shall be allowed access to the users premises as necessary for inspection, observation, measurement, sampling or testing of wastewater discharged by the user into the system. The Utilities Commission or its designee shall be allowed to inspect the records of any industrial user where an effluent source of pretreatment system is located as may be reasonably necessary to determine the strength and concentration of pollutants discharged into the city's wastewater system.
- D. Sampling of the effluent of waste discharges may be accomplished manually or by use of mechanical equipment to obtain a composite sample which would be representative of the total effluent. Samples shall be taken at minimum at six month intervals to establish the BOD and suspended solids of the individual waste for billing purposes, or at such intervals as determined by the Utilities Commission to be necessary to maintain control over the discharges from the user. The method used in the examination of all industrial wastes to determine BOD and suspended solids and prohibited wastes shall be that set forth in "Standard Methods for the Examination of Water and Wastewater" as approved and published jointly by the American Public Health Association, the American Wastewater Association and the Water Pollution Control Federation. (Ord. No. 940)

CHAPTER 10.18

INDUSTRIAL COST RECOVERY

Sections:

10.18.01 System

10.18.01 System

- A. All existing or future industrial users as defined hereinafter which contribute waste to the sanitary sewer system of the city of Batesville, Arkansas, shall be charged a fee in proportion to the federal grant allocable to the treatment of such industrial waste, which fee is termed industrial cost recovery, and which fee shall be based upon strength, volume and delivery flow rate characteristics of such waste.
- B. An industrial user shall be classified as any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (GPD) of sanitary waste and which is identified in the Standard Industrial Classification Manual of 1972, office of Management and Budget, as amended, and supplemented under one of the following divisions:

Division A. - Agriculture, Forestry and Fishing

Division B. - mining

Division D. - Manufacturing

Division E. - Transportation, Communication, Electric, Gas and Sanitary Services

Division I. - Services

In determining the amount of a user's discharge for purpose of industrial cost recovery, there shall be excluded from the GPD of sanitary waste all domestic waste or discharge from sanitary conveniences. Dischargers in the above-enumerated divisions that have a volume exceeding 25,000 GPD, or discharge into the system a weight of biochemical oxygen demand or suspended solids greater than 56 pounds per day, are defined as industrial users.

Any non-governmental dischargers which discharges wastewater into the treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes to contaminate the sludge of the wastewater treatment facility, or to injure or interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, or creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving the discharge from the treatment works, is also defined as an industrial user.

- C. Each year during the industrial cost recovery period, each industrial user of the treatment works shall pay its share of the total amount of grant attributable to industrial use divided by the recovery period in addition to the normal monthly sewer user charge and surcharge.
- D. The industrial cost recovery period shall be equal to thirty (30) years.
- E. For a new industry, one which connects to the treatment works after they have been put into service, these ICR payments shall begin on the date use of the treatment works is initiated, and shall continue for the unexpired portion of the ICR period on the same basis as existing industries.
- F. ICR payments for any industry shall continue for the unexpired portion of the ICR period, or until that industry ceases use of the facility. An industry planning to discontinue its use of the treatment facility during the ICR period shall make its intentions known in a letter of intent giving sixty (60) days notice.
- G. Each affected industrial discharge shall be monitored on a periodic basis but as a minimum once each year to determine flows and loadings. The Utilities Commission or its agents or employees shall be allowed access to the user's premises as necessary for inspection, observation, measurement, sampling or testing of wastewater discharged by the user into the system.
- H. If there is substantial change in the strength, volume or delivery flow rate characteristics introduced into the treatment works by an industrial user, such user's share shall be adjusted accordingly.
- I. If there is an expansion or ungrading of the treatment works, each existing industrial user's share shall be adjusted accordingly, except for any industrial user who has entered into a reserve capacity agreement with the City of Batesville, the fee for which industrial user shall be subject to the provision of paragraph 10 below.
- J. If an industrial user enters into an agreement with the grantee (city of Batesville, Arkansas) to reserve a certain capacity of the treatment works, the user's industrial cost recovery payment shall be based on the total reserve capacity in relation to the design capacity of the treatment works. If the discharge of an individual user exceeds the reserve capacity in volume, strength or delivery flow rate characteristics, the user's industrial cost recovery payment shall be increased to reflect the actual use. If there is no reserve capacity agreement between the industrial user and the city of Batesville, and a substantial change in the strength, volume or delivery flow rate characteristics of an industrial user's discharge share occurs, the user's shall be adjusted proportionately.

- K. All industries affected by this ordinance shall have, upon receipt of written notification from the Utilities Commission of a change in ICR costs, thirty (30) days in which to appeal to the Commission the stipulated changes in ICR costs.
- L. Any industry subject to ICR charges may remit to the Utilities Commission the appropriately computed charges on either a monthly, quarterly, but no less often than a yearly, basis. The first payment by an industrial user shall be made no later than one (1) year after such user begins use of the treatment works after the effective date of this ordinance.
- M. Retained Amounts:
1. The city shall retain fifty (50%) percent of the amounts recovered from industrial users. The remainder, together with any interest earned thereon, shall be returned to the U.S. Treasury on an annual basis.
 2. A minimum of eighty (80%) percent of the retained amounts, together with interest earned thereon, shall be used solely for the eligible costs of the expansion or reconstruction of treatment works associated with the project and necessary to meet the requirements of the Act. The city shall obtain the written approval of the Regional Administrator prior to commitment of the retained amounts for any expansion and reconstruction. The remainder of the retained amounts may be used as the city sees fit.
 3. Pending use, the city shall invest the retained amounts for reconstruction and expansion in: (1) Obligations of the U.S. Government or (2) obligations guaranteed as to principal and interest by the U.S. Government or any agency thereof or (3) shall deposit such amounts in accounts fully collateralized by obligations of the U.S. Government or by obligations fully guaranteed as to principal and interest by the U.S. Government or any agency thereof.
- N The city through its Utility Commission will maintain such records as necessary to document compliance with the above with the right of the Environmental Protection Agency to audit all records pertinent to this ICR system.
- O Any change or amendment to this ordinance must have written approval of the Regional Administrator of the E.P.A.
- P. The city of Batesville fixes and establishes the following general equations to be used in computing and allocating Industrial Cost Recovery charges that shall be paid by all qualifying users of the Batesville Wastewater System as previously defined, said charges becoming effective fiscal year beginning October 1, 1980, with the total charges being the summation of the charges for flow, BOD, and

suspended solids as follows:

ICR charges to flow = \$2,519,820/30 yrs/12/132,620
1000 gals/month = \$0.0528/1000 gals/month

ICR charges to BOD = \$1,353,660/30 yrs/12/331,540
lbs/month = \$0.0113/lbs/month

ICR charges to Suspended Solids = \$315,520/30
yrs/12/331,540 lbs/month = \$0.00264/lbs/month

These charges were derived from the totals of Table 2 of Supplement No. 1 attached to this ordinance.

Q. Definitions:

BOD The letters "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 200C, expressed in milligrams per liter. The laboratory determination shall be made in accordance with the procedures set forth in "Standard Methods".

Suspended solids The words "suspended solids" or the abbreviation "SS" 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. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods" and shall be expressed in milligrams per liter.

Standard methods The words "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, approved and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

- R. In the event of failure in the payment of any charge levied under the Industrial Cost Recovery System for treatment of wastewater for a period of thirty (30) days after due, all services of the wastewater system to the user liable for such charge may be terminated. After the passage of said thirty (30) day period, the charge shall be considered a delinquent charge and the owner of the premises upon which the user is situate shall be liable for the payment of all delinquent charges even though the use of the sewer system is by a tenant, lessee, or sublessee instead of the owner. If the charges are not paid before delinquency, suit shall be brought in accordance with the laws of the State of Arkansas to enforce a lien upon the land upon which the user is or was situate and to collect -the amounts due, together with a ten (10%) percent penalty and a reasonable attorney's fee. (Ord. No. 939)

SUPPLEMENT NO. 1 TO ORDINANCE NO. 939

The following Table 1 shows only those grant eligible cost items.

TABLE 1 GRANT ELIGIBLE PROJECT COSTS

<u>Item</u>	<u>Total 75%</u>	<u>Grant 25%</u>	<u>Local</u>
Pumping Station			
Structures	\$378,200	\$ 283,650	\$94,550
Equipment	575,000	431,250	143,750
Force Main	168,800	126,600	42,200
Treatment Facilities			
Comminutors	79,500	59,625	19,875
Grit Chamber	150,800	113,100	37,700
Aeration System			
Levee Work	1,190,000	892,500	297,500
Equipment	465,000	348,750	116,250
Blowers & Acces.	221,700	166,275	55,425
Air Piping	260,000	195,000	65,000
Effl. Filters	313,100	234,825	78,275
Alum Feeder	81,600	61,200	20,400
Chlorine Bldg. & Basin	161,700	121,275	40,425
Effl. Pump Sta. &			
Misc. Piping	315,700	236,775	78,925
Eng. - Gen	211,600	158,700	52,900
Main Bldg.	143,300	107,475	35,825
Misc. Incl. Rds. Elec.			
Site Fill, Etc.	<u>684,000</u>	<u>513,000</u>	<u>171,000</u>
Sub-Total	\$5,500,000	\$4,050,000	\$1,350,000
Engrg. & Admin. (Steps 1, 2, and 3)	<u>320,000</u>	<u>240,000</u>	<u>80,000</u>
Total	\$5,720,000	\$4,290,000	\$1,430,000

Disbursement of Grant Funds to Flow, BOD and Suspended Solids

<u>Design Basis (Original)</u>	<u>DAILY</u>	<u>MONTHLY EQUIVALENT</u>
Average Flow	4.36 Mill. Gals/day	132,620,000 gals
Average BOD	10,900 lbs/day (300 mg/1)	331,540 lbs/mon
Average S.S.	10,900 lbs/day (300 mg/1)	331,540 lbs/mon

Mg/l x 8.34 x million gallons flow = lbs (pounds)

TABLE II - GRANT COSTS ALLOCATED TO FLOW, BOD, AND S.S.

<u>Item</u>	<u>%</u>	<u>Flow</u> <u>Cost</u>	<u>%</u>	<u>BOD</u> <u>Cost</u>	<u>%</u>	<u>S.S.</u> <u>Cost</u>	<u>Grant</u>
Pump Sta. & F.M.*	95	\$799,425	--	----	5	\$42,075	\$841,500
Comminutors	90	53,665	--	----	10	5,960	59,625
Grit Chamber	100	113,100	--	----	--	----	113,100
Aeration System*	40	496,500	50	620,625	10	124,125	1,241,250
Blowers & Access. incl. Air Piping*	20	72,255	80	289,020	--	----	361,275
Effl. Filters	90	211,345	--	----	10	23,480	234,825
Alum Feeder	90	55,080	--	----	10	6,120	61,200
Chlorine Bldg. and Basin	60	72,765	40	48,510	--	----	121,275
Effl. Pump Sta.	90	213,095	5	11,840	5	11,840	236,775
Main Bldg., Eng., Gen., & Misc.*							
Piping & Misc.	50	389,590	40	311,665	10	77,960	779,175
Engrg. & Admin.	60	<u>144,000</u>	30	<u>72,000</u>	10	<u>24,000</u>	<u>240,000</u>
Sub-Totals	61	\$2,620,820		\$1,353,660		\$315,520	\$4,290,000
Deduct 7% of Items 1,2, and 3 for non-excess flow							
		<u>\$101,000</u>	--	<u>\$ ----</u>	--	<u>\$----</u>	<u>\$101,000</u>
Totals		\$2,519,820		\$1,353,660		\$315,520	\$4,189,000

*Consolidated from Table #1

CHAPTER 10.20**SEWER RATES****Sections:**

- 10.20.01 Monthly sewer charges
- 10.20.02 User classification
- 10.20.03 Definition of user
- 10.20.04 Domestic user fee
- 10.20.05 Fee for new domestic user
- 10.20.06 Basis of commercial user's bill
- 10.20.07 Users not on metered basis

10.20.08	Minimum user charge
10.20.09	Total rate schedule for users inside city limits
10.20.10	Total rate schedule for users outside city limits
10.20.11	No services furnished without fee
10.20.12	Excessive strength charges
10.20.13	Extraneous flows
10.20.14	Toxic pollutant charges
10.20.15	Billing procedure
10.20.16	Records
10.20.17	Fees for work related to water and sewer services
10.20.18	Review and revision
10.20.19	Notification
10.20.20	Dispute resolution
10.20.21	Declaration of fair and reasonable rates
10.20.22	Approval

10.20.01 Monthly sewer charges Monthly sewer charges shall be based upon water consumption. (Ord. No. 2009-6-5, Sec. 2.1)

10.20.02 User classification The city shall classify all users of the sanitary sewer system as either domestic or commercial, on the basis of whether the water consumption for the individual user is for domestic or commercial purposes. (Ord. No. 2009-6-5, Sec. 2.2)

10.20.03 Definition of user

User is defined as any person or entity whose buildings or premises are connected with and use the sanitary sewer system of the city or otherwise discharge sewer, industrial water, water or other liquids either directly or indirectly into the sewer system of the city. (Ord. No. 2009-6-5, Sec. 2.3)

10.20.04 Domestic user fee For each domestic user, the average monthly water consumption for the months of January, February, and March of the current year in which sewer bills are rendered and the month of December of the preceding calendar year shall be computed and a uniform monthly charge for each domestic user shall be determined by applying the schedule of rates shown below to the average monthly water consumption of each user. (Ord. No. 2009-6-5, Sec. 2.4)

10.20.05 Fee for new domestic user In the event a new customer has not established a four winter months' average use as set out above, the billing shall be based on the actual month's usage until a four winter months' average use has been determined. (Ord. No. 2009-6-5, Sec. 2.5)

10.20.06 Basis of commercial user's bill For each commercial user, the monthly water consumption for the month in which the sewer bills are rendered shall be computed and the

sewer charge for each commercial user shall be determined by applying the schedule of rates shown below to the monthly water consumption for each user, provided that in the case of a commercial user using an appreciable amount of water that does not reach the sewer system, the city, upon request by such commercial user, shall determine the volume of the water usage that does reach the sewer system and the schedule of rates shall be applied to that volume. (Ord. No. 2009-6-5, Sec. 2.6.)

10.20.07 User not on metered basis For users of the sanitary sewer system who do not use water provided by the city’s water system (or an appreciable amount thereof), water consumption and sewer discharge shall be determined by the city, and the schedule of rates set forth above shall be applied. (Ord. No. 2009-6-5, Sec. 2.7)

10.20.08 Minimum user charge The minimum bill per user shall consist of charges for:

OM&R for 1,000 gal. + Debt service for 1,000 gal. + Administrative cost
(Ord. No. 2009-6-5, Sec. 2.8.)

- A. Operations, maintenance and replacement (OM&R) is the cost of operating, maintaining, and replacing the wastewater treatment works. Replacement is defined as expenditures for obtaining and installing equipment, accessories, or appurtenances during the useful life of the treatment works to maintain the capacity and performance for which they were designed and constructed.

$$\text{OM\&R cost in \$/1000 gal.} = \frac{\text{Total annual OM\&R}}{\text{No. of 1,000 gal. sold annually}}$$

- B. Debt service is defined as the annual charges for the long term debt necessary to construct the wastewater treatment works. Debt service is paid for by user charges.
- C. Administrative cost is defined as a fixed billing cost or administrative overhead that is added as a separate charge that is essentially the same for each user. (Ord. No. 2009-6-5, Sec. 2.8)

10.20.09 Total rate schedule for users inside city limits

- A. Commencing with the July 1, 2009, billing period, the schedule of rates which shall apply is:

Minimum charge 0-1000 gallons	\$8.17
Over 1000 gallons – per thousand gallons	\$2.64

Commencing with the January 1, 2010, billing period, the schedule of rates which shall apply is:

Minimum charge 0-1000 gallons	\$10.32
Over 1000 gallons – per thousand gallons	\$3.34
(Ord. No. 2009-6-5, Sec. 2.9)	

10.20.10 Total rate schedule for users outside city limits For users of the sanitary sewer system located outside the city, the monthly rates for sewer services of the system shall be 125% of the sewer rates set forth above for users located inside the city limits. (Ord. No. 2009-6-5, Sec. 3.)

10.20.11 No services furnished without fee None of the facilities or services afforded by the sewage treatment works shall be furnished without a charge being made therefore. Any vacant, unoccupied property attached to the sewer system having an in-service water meter shall be considered to be a contributor to the sewer system at such times as a sewer tap is completed and as such is subject to the monthly usages and services set forth in the above mentioned rate structure. (Ord. No. 2009-6-5, Sec. 4.)

10.20.12 Excessive strength charges Charges for commercial users whose five-day Biochemical Oxygen Demand (BOD) or total suspended solids exceed the limits set forth in Batesville Ord. No., relating to pretreatment requirements, shall pay an additional surcharge in accordance with said ordinance. (Ord. No. 2009-6-5, Sec. 5.)

10.20.13 Extraneous flows The costs of operation and maintenance for all flows not directly attributable to users (such as Infiltration/Inflow) shall be distributed among users on the same basis as other operation and maintenance charges. (Ord. No. 2009-6-5, Sec. 6.)

10.20.14 Toxic pollutant charges Each user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the treatment works shall pay for such increased costs in accordance with Ord. No. relating to pretreatment requirements. (Ord. No. 2009-6-5, Sec. 7)

10.20.15 Billing procedure Bills for sewer services shall be rendered monthly. If a bill is not paid on or before the twentieth (20th) day following the original date of billing, a ten (10%) percent penalty shall be added to the bill. If a bill is not paid on or before the thirtieth (30th) day following the original date of billing, the city shall disconnect the water services to the premises. (Ord. No. 2009-6-5, Sec. 8.)

10.20.16 Records A financial management system shall be established and maintained by the city of Batesville, Arkansas, to document compliance with federal regulations pertaining to the revolving loan. The system will account for all revenues generated and expenditures for operation and maintenance and replacement. (Ord. No. 2009-6-5, Sec. 9.)

10.20.17 Fees for work related to water and sewer services Fees relating to disconnection and reconnection of water services shall be charged in accordance with Ord. No. 2007-10-1, as amended, which sets forth the fees for work related to water and sewer services. (Ord. No. 2009-6-5, Sec. 10.)

10.20.18 Review and revision The city of Batesville, Arkansas, will review the user charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes. (Ord. No. 2009-6-5, Sec. 11.)

10.20.19 Notification Each user shall be notified at least annually, in conjunction with the regular bill, of the sewer use rate and the portion of the user charges that are attributable to wastewater treatment. Costs shall be broken down to show the sewer rate for operation and maintenance costs attributable to that user. (Ord. No. 2009-6-5, Sec. 12.)

10.20.20 Dispute resolution Any user who feels his user charge is unjust and inequitable may make written application to the city of Batesville requesting a review of his user charge. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made. Review of the request shall be made by the city Public Works Engineer and, if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period. (Ord. No. 2009-6-5, Sec. 13.)

10.20.21 Declaration of fair and reasonable rates The City Council hereby finds and declares that the above sewer rates are fair, reasonable, and necessary minimum rates, and will produce revenues at least sufficient for the reasonable operation and maintenance expenses of the sewage treatment works, including establishing and maintaining a reserve, and providing depreciation funds for replacement or repairs of sewer facilities. (Ord. No. 2009-6-5, Sec. 14.)

10.20.22 Approval Contracts to sell sanitary sewer services to users outside of the city limits of Batesville, Arkansas must be approved first by the Batesville Utilities Commission and then referred to the City Council of the city of Batesville where it must be approved by a majority vote. (Ord. No. 2001-9-2, Sec. 1.)

CHAPTER 10.24

AUDIT OF SEWER SYSTEM

Sections:

10.24.01 Audit of sewer system, Date set

10.24.01 Audit of sewer systems Date set The sewer system accounts shall be audited during the month of October each year. (Ord. No. 806, Sec. 1)

CHAPTER 10.28

MANAGEMENT OF WATER AND SEWER SYSTEMS

Sections:

10.28.01 Ordinance repealed

10.28.02 Authority

10.28.03 Employees

10.28.01 Ordinance repealed Ordinance No. 801 or 1971 as amended by Ord. No. 97-10-1 of 1997 which created the Batesville Water Utility Commission be and hereby is repealed in its entirety effective upon passage of this ordinance. All other ordinances or parts of ordinances in conflict herewith are hereby repealed. (Ord. No. 2007-3-1, Sec. 1-2.)

10.28.02 Authority The manager/supervisor of the Batesville Water Works/Batesville Water and Sewer Department shall report to, and be under the direct supervisory authority of the Mayor as a Department Head. (Ord. No. 2007-3-1, Sec. 3.)

10.28.03 Employees The current employees of the Batesville Water Works/Batesville Water and Sewer Department are grandfathered in as employees of the city of Batesville for purposes of complying with the nepotism rules of the city of Batesville. Any future employees of Batesville Water Works/Batesville Water and Sewer Department will have to comply with the nepotism rules applicable to all city employees. (Ord. No. 2007-3-1, Sec. 4.)

CHAPTER 10.32

PRETREATMENT REQUIREMENTS

Sections:

10.32.01	General provisions
10.32.02	General sewer use requirements
10.32.03	Pretreatment of wastewater
10.32.04	Wastewater discharge permit eligibility
10.32.05	Wastewater discharge permit issuance process
10.32.06	Reporting requirements
10.32.07	Compliance monitoring
10.32.08	Confidential information
10.32.09	Publication of industrial users in significant noncompliance
10.32.10	Administrative enforcement remedies
10.32.11	Judicial enforcement remedies
10.32.12	Supplemental enforcement Thursday
10.32.13	Affirmative defenses
10.32.14	Surcharge costs
10.32.15	Miscellaneous provisions

10.32.01 General provisions

1.0 Short Title: This chapter shall also be known as the "Pretreatment Ordinance."

1.1 Purpose and Policy: This ordinance sets forth uniform requirements for users of the wastewater collection and Publicly Owned Treatment Works (POTW) for the city of Batesville, Arkansas, and enables Batesville, Arkansas to comply with all applicable State and Federal laws including the Clean Water Act (33 U.S.C. 1251 et seq. and the General Pretreatment Regulations (40 CFR Part 403). The purposes of this ordinance are:

- A. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- B. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- C. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- D. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;

- E. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and
- F. To enable Batesville, Arkansas to comply with its National Pollution Discharge Elimination System (NPDES) permit other Federal or State laws to which the POTW is subject. conditions, sludge use and disposal requirements and any

This ordinance shall apply to all industrial users of the POTW. The ordinance authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires industrial user reporting, 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 Manager of the Batesville Utilities Commission shall administer, implement and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Manager may be delegated by the Manager to other Utility personnel.

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

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

Approval authority Currently the Arkansas Department of Pollution Control and Ecology, (ADPC&E).

Authorized representative of the industrial user

- A. If the industrial user is a corporation, authorized representative shall mean:
 - 1. 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;
 - 2. the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if 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 government facility, or their 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 company, and the written authorization is submitted to the Batesville Utilities Commission.

Batesville Utilities Commission (BUC) The Batesville Utilities Commission, which may act through the Manager, his deputy, agent, or representatives possessing evidence of authority to so act.

Biochemical Oxygen Demand (BOD) The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure as set forth in 40 CFR 136, five (5) days at 200 centigrade expressed in terms of mass and concentration (milligrams per liter (mg/l)).

Categorical Pretreatment Standard or Categorical Standard Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307 (b) and (c) of the 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.

City The city of Batesville or the City Council of Batesville, Arkansas.

Color The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

Control authority Under the provisions of 40 CFR 403.12 (a) the term "Control Authority" shall refer to the Manager of the Batesville Water Utilities.

Composite sample The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

Environmental Protection Agency or (EPA) The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director or other duly authorized official of said agency.

Existing source Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

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

Indirect discharge or discharge The introduction of nondomestic pollutants into the POTW from any nondomestic source regulated under Section 307 (b), (c) or (d) of the Act.

Industrial user or user A source of indirect discharge.

Instantaneous maximum allowable discharge limit 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.

Interference A discharge which alone or in conjunction with a discharge or discharges from other sources:

- A. Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and
- B. Therefore is a cause of a violation of Batesville's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory or regulatory provisions as amended:

Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), 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 SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act or permits issued under such provisions.

Manager The person designated by the Batesville Utilities Commission to manage and supervise the Water and Sewer department for the city of Batesville, Arkansas, and who is charged with certain duties and responsibilities by this ordinance, or the duly appointed or authorized representative of such person.

Medical waste Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

New source

- A. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which building, structure, facility or

installation commenced after the publication of proposed pretreatment standards under Section 307 (c) of the Act which pretreatment standards will be applicable to such source if such standards are promulgated in accordance with that section, provided that:

1. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 3. 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:
1. Begun, or caused to begin as part of a continuous on site 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
 2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are 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.

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

Pass through A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of Batesville's NPDES permit (including an increase in the magnitude or duration of a violation).

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

Ph A measure of the acidity or alkalinity of a substance, expressed in standard units.

Pollutant Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater [i . e., Ph, temperature, TSS, turbidity, color, BOD'S, Chemical Oxygen Demand (COD), toxicity, odor].

Pretreatment 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.

Pretreatment requirements Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

Pretreatment standards or standards Pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards, and local limits.

Prohibited discharge standards or prohibited discharges Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.

Publicly owned treatment works or POTW A "treatment works" as defined by Section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the act). This definition includes any devices and systems used in the storage, treatment, recycling

and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

Septic tank waste Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage Human excrement and gray water (household showers, dishwashing operations, etc.)

Significant industrial user

- A. industrial users subject to categorical pretreatment standards; and
- B. any other industrial user that;
 - 1. discharges an average of 25,000 gpd or more of process wastewater,
 - 2. contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant or,
 - 3. is designated as significant by the Batesville Utilities Commission 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.

Slug load Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

Standard Industrial Classification (SIC) Code A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

Storm water Any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snowmelt.

Superintendent The person designated by the Batesville Utilities Commission to supervise the operation of the POTW, or their duly authorized representative who is charged with certain duties and responsibilities by this ordinance.

Suspended solids The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

Toxic pollutant One of the pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of 40 CFR Part 122, Appendix D, Table II and III.

Treatment plant effluent Any discharge of pollutants from the POTW into waters of the State.

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

Wastewater treatment plant or treatment plant That portion of the POTW designed to provide treatment of sewage and industrial waste.

Shall is mandatory; **may** is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

1.4 Abbreviations

The following abbreviations shall have the designated meanings:

BOD	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
EPA	-	U.S. Environmental Protection Agency
	-	Gallons Per Day
l	-	Liter
mcr	-	Milligrams
mg/l	-	Milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
OSHA	-	Occupational Safety and Health Administration (title 29, chapter XVII CFR)
O&M	-	Operation and Maintenance
POTW	-	Publicly Owned Treatment Works
RCRA	-	Resource Conservation and Recovery Act
SIC	-	Standard Industrial Classifications
SWDA	-	Solid Waste Disposal Act (42 U.S.C. 6901, et sea.)
TSS	-	Total Suspended Solids
USC	-	United States Code (Ord. No. 93-1-1, Sec. 1)

10.32.02 General sewer use requirements

2.1 Prohibited Discharge Standards No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. No industrial user shall contribute the following substances to the POTW:

- A. Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140OF (600C) using the test methods specified in 40 CFR 261.21.
- B. Any wastewater having a Ph less than 5 or more than 10, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering city personnel.
- C. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one half inches (1/2) or one point two seven centimeters) 1.27cm in any dimension.
- D. Any wastewater containing pollutants, including oxygen demanding pollutants (BOD , etc.), released in a 5 discharge at a flow rate or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW; or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.
- E. Any wastewater having a temperature greater than 150⁰ F (65⁰ C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104⁰ F (40⁰ C).
- F. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- G. Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- H. Any trucked or hauled pollutants, except at discharge points designated by the Batesville Utilities Commission in accordance with Section 3.5.
- I. Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
- J. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions,

which consequently imparts color to the treatment plant's effluent thereby violating Batesville's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonably established norm for aquatic life.

- K. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Batesville Utilities Commission in compliance with applicable State or Federal regulations.
- L. Storm water, surface water, ground water, artisan well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by Batesville Utilities Commission.
- M. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- N. Any medical wastes, except as specifically authorized by Batesville Utilities Commission in a wastewater discharge permit.
- O. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
- P. Any discharge of fats, oils, or greases of animal or vegetable origin is limited to 100 mg/l.

Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

2.2 Federal Categorical Pretreatment Standards

- A. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial Category, or upon amending a Federal Categorical Pretreatment Standard, the Federal Standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. However, if the Federal Categorical Pretreatment Standard is less stringent than the limitations of this ordinance, this Ordinance shall entail.
- B. It shall be the responsibility of each User to be knowledgeable of all regulations applicable to the User. The Control Authority shall make all reasonable efforts to

notify all affected Users of applicable Standards and reporting requirements under 40 CFR 403.12. Failure of the Control Authority to notify an affected User, however, does not relieve the User of complying with the appropriate Federal Categorical Pretreatment Standards or applicable reporting requirements.

2.3 State Requirements

- A. The Arkansas Department of Pollution Control and Ecology may from time to time promulgate new requirements for the NPDES program, and in the event that a particular requirement may be more stringent than that imposed by Federal Law, or by this Ordinance, such State requirement shall immediately supersede the imitations imposed under this Ordinance and shall then constitute the applicable requirement for the NPDES program then in effect.
- B. It shall be the responsibility of each User to be knowledgeable of all new State requirements applicable to the User. The Control Authority shall make all reasonable efforts to notify the affected Users of any change in state requirements for the NPDES program, however, failure of the Control Authority to notify an affected User does not relieve the User of the duty to comply with the appropriate State NPDES program requirement.

2.4 Specific Pollutant Limitations This Section reserved for use for Technically Based Local Limits if needed.

2.5 City's Right of Revision Batesville, Arkansas reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 1.1 of this ordinance or the general and specific prohibitions in Section 2.1 of this ordinance.

2.6 Special Agreement Batesville Utilities commission reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

2.7 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 Batesville Utilities Commission 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. (Ord. No. 93-1-1, Sec. 2)

10.32.03 Pretreatment of wastewater

3.1 Pretreatment Facilities Industrial users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in Section 2 above within the time limitations specified by the EPA, the State, or the Batesville Utilities Commission, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the Batesville Utilities Commission shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Batesville Utilities Commission for review, and shall be acceptable to the Batesville Utilities Commission before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce a discharge acceptable to the Batesville Utilities Commission under the provisions of this ordinance.

3.2 Additional Pretreatment Measures

- A. The Batesville Utilities Commission when it deems it to be reasonably necessary to the efficient operation of the POTW, may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this ordinance.
- B. Grease, oil and sand interceptors shall be provided when, in the opinion of the Batesville Utilities Commission, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Batesville Utilities Commission and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner at their expense.
- C. Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3.3 Accidental Discharge-Slug Control Plans The Batesville Utilities Commission may require any industrial user to develop and implement an accidental discharge-slug control plan. At least once every two years the Manager shall evaluate whether each significant

industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge-control slug plan shall submit a plan which addresses, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges.
- B. Description of stored chemicals.
- C. Procedures for immediately notifying 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 2.1 of this ordinance.
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, or measures and equipment for emergency response.

3.2 Tenant Responsibility Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this ordinance.

3.3 Hauled Wastewater

- A. Septic tank waste may be accepted into the POTW at a designated receiving structure within the treatment plant area, and at such times as are established by the Manager, provided such wastes do not violate Section 2 of this ordinance or any other requirements established or adopted by the Batesville Utilities Commission. Wastewater discharge permits for individual vehicles to use such facilities shall be issued by the Manager.
- B. The discharge of hauled industrial wastes as industrial septate requires prior approval and a wastewater discharge permit from the Batesville Utilities Commission. The Manager shall have authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operation. Waste haulers are subject to all other sections of this ordinance.
- C. Fees for dumping septate will be established as part of the industrial user fee system as authorized in Section 15.

3.4 Vandalism No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in Sections 10-12, below. (Ord. No. 93-1-1, Sec. 3)

10.32.04 Wastewater discharge permit eligibility

4.1 Wastewater Survey. When requested by the Manager all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Manager 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 the ordinance.

4.2 Wastewater Discharge Permit Requirement

- A. It shall be unlawful for any significant industrial user to discharge wastewater into the Batesville POTW without first obtaining a wastewater discharge permit from the Manager. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10-12. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State retreatment standards or requirements or with any other requirements of Federal, State and local law.
- B. The Batesville Utilities Commission may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

4.3 Wastewater Discharge Permitting Existing Connections Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Batesville Utilities Commission for a wastewater discharge permit in accordance with Section 4.6 below, and shall not cause or allow discharges to the POTW to continue after one hundred and twenty (120) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Batesville Utilities Commission.

4.4 Wastewater Discharge Permitting 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 Ninety (90) days prior to the date upon which any discharge will begin.

4.5 Wastewater Discharge Permitting of Industrial Users Outside Municipal Boundaries

- A. Any existing significant industrial user located beyond the Batesville city limits shall submit a wastewater discharge permit application, in accordance with

Section 4.6 below, within ninety (90) days of the effective date of this ordinance. New significant industrial users located beyond the Batesville city limits shall submit such applications to the Manager Ninety (90) days prior to any proposed discharge into the POTW.

- B. Alternately, the Batesville Utilities Commission 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.
- C. Nothing in the forgoing sections, or in any provisions of this ordinance shall, be construed as requiring the City of Batesville, Arkansas to accept discharge into the POTW of any waste of any \$10 located outside the city limits.

4.6 Wastewater Discharge Permit Application Contents In order to be considered for a wastewater discharge permit, all applicants must submit the information required by Section 6.1 (B) of this ordinance, on a form to be provided by the Batesville Utilities Commission. The following information may be requested:

- A. Description of activities, facilities, and plant processes on the premises, including 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.
- B. Number and type of employees, hours of operation, and proposed or actual hours of operation.
- C. Each product produced by type, amount, process or processes, and rate of production.
- D. Type and amount of raw materials processed (average and maximum per day).
- E. The 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 to the POTW.
- F. Time and duration of the discharge.
- G. Any other information as may be deemed necessary by the Manager to evaluate the wastewater discharge permit application. Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

4.7 Application Signatories and Certification All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user:

"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."

4.8 Wastewater Discharge Permit Decisions The Manager will evaluate the data furnished by the industrial user and may require additional information. Within ninety (90) days of receipt of all requested information and a completed wastewater discharge permit application, the Manager will determine whether or not to issue a wastewater discharge permit. If no determination is made within ninety (90) days, the application will be deemed denied. The Manager may deny any application for a wastewater discharge permit where the applicants requested discharge would violate any provision of this ordinance, or where, in the judgement of the Manager the discharge would adversely effect the operation of the POTW or cause the POTW to violate its NPDES permit. (Ord. No. 93-1-1-, Sec. 4)

10.32.05 Wastewater discharge permit issuance process

5.1 Wastewater Discharge Permit Duration Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Manager. Each wastewater discharge permit will indicate a specific date upon which it will expire.

5.2 Wastewater Discharge Permit Contents Wastewater discharge permits shall include such conditions as are reasonable deemed necessary by the Manager to prevent a violation of the city's NPDES permit and 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,, protect ambient air quality, and protect against damage to the POTW.

A. Wastewater discharge permits must contain the following conditions:

1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed 5 years.
2. That the wastewater discharge permit is nontransferable without prior notification to (and approval from the Batesville Utilities Commission, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
3. Effluent limits applicable to the user based on applicable standards in Federal, State, and local law.

4. Self monitoring sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.
 5. Statement of applicability of civil, criminal, and administrative 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.
- B. Wastewater discharge permits may contain, but need not be limited to, the following:
1. Limits on the average or maximum rate of discharge, time of discharge, or requirements for flow regulation and equalization.
 2. Limits on the instantaneous, daily and monthly average or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
 3. 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.
 4. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.
 5. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
 6. The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.
 7. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
 8. A statement that compliance with the 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 wastewater discharge permit.

9. Other conditions as deemed appropriate by the Manager to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

5.3 Wastewater Discharge Permit Appeals Any person, including the industrial user, may Petition the Batesville Utilities Commission to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance.

- A. Failure to submit a timely petition for review shall result in the permit becoming a final administrative action for purposes of judicial review.
- 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 enforcement of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the Batesville Utilities Commission fails to act within forty five (45) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint within a court of competent jurisdiction.

5.4 Wastewater Discharge Permit Modification The Manager may modify the wastewater discharge permit for good cause including, but not limited to, the following:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.
- B. To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance.
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- D. Information indicating that the permitted discharge poses a threat to the POTW, its personnel, or the receiving waters.
- E. Violation of any terms or conditions of the wastewater discharge permit.

- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.
- H. To correct typographical or other errors in the wastewater discharge permit
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

The filing of a request by the permittee for a wastewater discharge permit modification does not suspend the enforcement of any existing wastewater discharge permit condition.

5.5 Wastewater Discharge Permit Transfer Wastewater discharge permits may be reassigned or transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Manager and the Manager approves the wastewater discharge permit transfer. The notice to the Manager must include a written certification by the new owner or operator which:

- A. States that the new owner and 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. Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

5.6 Wastewater Discharge Permit Revocation Wastewater discharge permits may be revoked for the following reasons:

- A. Failure to notify the Batesville Utilities Commission of significant changes to the users effluent wastewater prior to discharge.
- B. Failure to provide prior notification to the Batesville Utilities Commission of changed condition pursuant to Section 6.5.
- 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 Batesville Utilities Commission timely access to the facility premises and records.
- G. Failure to meet effluent limitations.
- H. Failure to pay fines.
- I. Failure to pay sewer charges.
- 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.
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the ordinance. Wastewater discharge permits shall be voidable 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.

5.7 Wastewater Discharge Permit Reissuance A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with Section 4.6 a minimum of sixty (60) days prior to the expiration of the industrial user's existing wastewater discharge permit.

5.8 Municipal Wastewater Discharge Permits In the event another municipality contributes all or a portion of its wastewater to the POTW, the POTW may require such municipality to apply for and obtain a municipal wastewater discharge permit.

- A. A municipal wastewater discharge permit application shall include:
 - 1. A description of the quality and volume of the wastewater at the point(s) where it enters the POTW.
 - 2. An inventory of all industrial users discharging to the municipality.
 - 3. Such other information as may be required by the Manager.
- B. A municipal wastewater discharge permit shall contain the following conditions:
 - 1. A requirement for the municipal user to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in Section 2.4.

2. A requirement for the municipal user to submit a revised industrial user inventory on at least an annual basis.
 3. A requirement for the municipal user to:
 - a. conduct pretreatment implementation activities including industrial user permit issuance, inspection and sampling, and enforcement; or
 - b. authorize the POTW to take or conduct such activities on its behalf.
 4. A requirement for the municipal user to provide the Batesville Utilities Commission with access to all information that the municipal user obtains as part of its pretreatment activities.
 5. Limits on the nature, quality, and volume of the municipal user's wastewater at the point where it discharges to the POTW.
 6. Requirements for monitoring the municipal user's discharge.
- C. Violation of the terms and conditions of the municipal user's wastewater discharge permit subjects the municipal user to the sanctions set out in Sections 10.36.10 through 10.36.12. (Ord. No. 93-1-1, Sec. 5)

10.32.06 Reporting requirements

6.1 Baseline Monitoring Reports

- A.
1. Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6 (a) (4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the Manager a report which contains the all information listed in paragraph B, below. At least ninety (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 Manager a report which contains all the information listed in paragraph B, 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.

2. Within 180 days after the adoption of any change in a pretreatment standard other than a categorical pretreatment standard as defined in 6.1 A.1 above, which adoption may be by Federal Regulation, the State Statute, or by Batesville Ordinance, existing significant industrial users subject to such pretreatment standard, and currently discharging to, or scheduled to discharge to the POTW, shall be required to submit to the Manager a report which contains the information listed in Subsection 6.1 B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable pretreatment standard, shall be required to submit to the Manager a report which contains the information listed in Subsection 6.1 B, 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.
- B. The industrial user shall submit the information required by this section including:
1. Identifying information The name and address of the facility including the name of the operator and owners.
 2. Wastewater discharge permits A list of any environmental control wastewater discharge permits held by or for the facility.
 3. Description of operations A brief description of the nature, average rate of production, and standard industrial classifications of the operations carried out by such industrial user. This description should include a schematic process diagram which indicates point of discharge to the POTW from the regulated processes.
 4. 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 wastestream formula set out in 40 CFR 403.6(e).
 5. Measurement of Pollutants.
 - a. Identify the categorical pretreatment standards applicable to each regulated process.
 - b. Submit the results of sampling and analysis identifying the nature and concentration or mass, where required by the standard or by the Batesville Utilities Commission, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily

maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10.

c. Sampling must be performed in accordance with procedures set out in Section 6.11.

6. 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) or additional pretreatment is required to meet the pretreatment standards and requirements.
7. Compliance Schedule If additional pretreatment or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment or O&M 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 4.6(N) of this ordinance.
8. All baseline monitoring reports must be signed and certified in accordance with Section 4.7.

6.2 Compliance Schedule Progress Report The following conditions shall apply to the schedule required by 6.1(B) (7). The schedule 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 Manager 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 Manager.

6.3 Report on Compliance with Categorical Pretreatment Standard Deadline Within ninety (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 such pretreatment standards and requirements shall submit to the Batesville Utilities Commission a report containing the information described in Section 6.1(B) (4-6). For industrial users subject to equivalent mass or

concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial 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 industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.7.

6.4 Periodic Compliance Reports

- A. Any significant industrial user subject to any pretreatment standard shall, at a frequency determined by the Manager but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 4.7. However, where the POTW itself collects all the information required for the report, the Non-categorical Significant Industrial User will not be required to submit the report.
- B. All wastewater samples must be representative of the industrial 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 an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.
- C. If an industrial user subject to the reporting requirement in and of this Section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in Section 6.11 of this ordinance the results of this monitoring shall be included in the report.

6.5 Report of Changed Conditions Each industrial user is required to notify the Manager of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least thirty (30) days before the change.

- A. The Manager 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 under Section 4.6.
- B. The Manager may issue a wastewater discharge permit under section 4.8 or modify an existing wastewater discharge permit under Section 5.4.
- C. No industrial user shall implement the planned changed conditions until and unless the Manager 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.

6.6 Reports of Potential Problems

- A. 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 2.1 of this ordinance), it is the responsibility of the industrial user to immediately telephone and notify Batesville utilities commission of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.
- B. Within five (5) days following such discharge, the industrial user shall, unless waived by the Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property, nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this ordinance.
- C. Failure to notify Batesville Utilities Commission of potential problem discharges shall be deemed a separate violation of this ordinance.
- D. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause or suffer to cause such a discharge to occur, are advised of the emergency notification procedure.

6.7 Reports from Nonsignificant Industrial Users All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide reports to Batesville Utilities Commission in the time and manner the Manager or his designee requests.

6.8 Notice of Violation-Repeat Sampling and Reporting If sampling performed by an industrial user indicates a violation, the industrial user must notify the Manager within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Manager within 30 days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring at the industrial user's at least once a month, or if the POTW performs

sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.

6.9 Notification of the Discharge of Hazardous Waste

- A. Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of any 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 industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and the concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than 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 discharges must be submitted under Section 6.5, above. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of Sections 6.1, 6.3, and 6.4, above.
- B. Dischargers are exempt from the requirements of paragraph A of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30 (d) and 261.33 (e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30 (d) and 261.33 (e), requires a one-time notification.
- Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.
- C. 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 industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulation.

- D. In the case of any notification made under this section, the industrial 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.

6.10 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, 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, sampling and analyses must be performed in accordance with procedures approved by the EPA.

6.11 Sample Collection

- A. Except as indicated in Section B, below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Manager 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.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

6.12 Determination of Noncompliance The Manager may use a grab sample(s) to determine noncompliance with pretreatment standards.

6.13 Timing Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of receipt of the report shall govern.

6.14 Record Keeping Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this ordinance. 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 compliance with this ordinance, or where the industrial user has been specifically notified of a longer retention period by the Manager. (Ord. No. 93-1-1-, Sec. 6)

10.32.07 Compliance monitoring

7.1 Inspection and Sampling Batesville Utilities Commission shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this ordinance, and any permit or order issued hereunder, is being met and whether the industrial user is complying

with all requirements thereof. Industrial users shall allow the Manager or his representatives 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 an industrial user has security measures in force which required proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from Batesville Utilities Commission, State, and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.
- B. Batesville Utilities Commission, State, and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling or metering of the user's operations.
- C. Batesville Utilities Commission may require the industrial 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 industrial user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated (periodically] to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected or sampled shall be promptly removed by the industrial user at the written or verbal request of the Manager and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.
- E. Unreasonable delays in allowing City personnel access to the industrial user's premises shall be a violation of this ordinance.

7.2 Search Warrants If the Manager has been refused access to a building, structure or property or any part thereof, or if the Manager has demonstrated probable cause to believe that there is a violation of this ordinance or that there is a need to inspect as part of a routine inspection program of Batesville Utilities Commission designed to verify compliance with this ordinance 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 manager upon proper cause shown, the Municipal Court of The city of Batesville shall issue a search or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched or seized on the property described. Such warrant shall be served at reasonable hours by the Manager in the company of a uniformed police officer of The city of Batesville. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant. (Ord. No. 93-1-1, Sec. 7)

10.32.08 Confidential information Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from Batesville Utilities Commission inspection and sampling activities, shall be available to the public without restriction, unless the industrial user specifically requests, and is able to demonstrate that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable law. When requested and demonstrated by the industrial user furnishing a report that such information should be held 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 immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in 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. (Ord. No. 93-1-1, Sec. 8)

10.32.09 Publication of industrial users in significant noncompliance Batesville Utilities Commission 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 or average 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 or the average 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 discharge violation that Batesville Utilities Commission believes has caused, alone or in combination with other discharges, interference or pass through or has endangered the health of City 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 the Batesville Utilities Commission 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 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 violations which Batesville Utilities Commission determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. No. 93-1-1, Sec. 9)

10.32.10 Administrative enforcement remedies

10.1 Notification of Violation Whenever the Manager finds that any user has violated or is violating this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the Manager or his agent may serve upon said user a written Notice of Violation. Within twenty (20) calendar days of the written receipt of this notice, a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Manager. 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. Nothing in this section shall limit the authority of Batesville Utilities Commission to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

When the twenty (20) day period, referred to above, falls on a weekend or National Holiday, then the written response shall be due upon the next following business day.

10.2 Consent Orders The Manager is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user who is or has been in noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period to be specified by the order. Consent Orders shall have the same force and effect as the administrative orders issued pursuant to Sections 10.3 and 10.4 below and shall be judicially enforceable.

10.3 Compliance Orders After the expiration of the time for submission by the user to the Manager of a written explanation of the violation and the written plan for the satisfactory correction and prevention thereof, if the Manager then finds that the user continues to violate this ordinance, a wastewater discharge permit, or order issued thereunder, or any pretreatment requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance. If the user does not come into compliance within the time specified in the Managers compliance order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also 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 Federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

10.4 Cease and Desist Orders When the Manager finds that a user is violating this ordinance, the user's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Manager 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.
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.

10.5 Show Cause Hearings on Proposed Administrative Action

- A. The Manager may order any user which violates this ordinance, any wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement; causes or contributes to a violation of this ordinance, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the Batesville Utilities Commission to show cause why a proposed administrative enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the show cause hearing, 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 hearing shall be served at least ten (10) working days prior to the hearing. Such notice may be served in any method or manner permitted under Arkansas Law, or Arkansas Rules of Civil Procedure. Service of notice shall be sufficient when served by certified mail, return receipt requested, and delivered to the addressee only, at the address of the user shown on any wastewater discharge permit issued it by the Batesville Utilities Commission. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.
- B. Any user who objects to any proposed administrative enforcement action may request a hearing to show cause to the Batesville Utility Commission why such enforcement action should not be taken.

10.6 Emergency Suspensions The Batesville Utilities commission may immediately suspend a user's discharge (after verbal notice to the user) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Batesville Utilities Commission may also immediately suspend a user's discharge after verbal notice that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

- A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Batesville Utilities Commission shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Batesville Utilities Commission shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of Batesville Utilities Commission that the period of endangerment has passed, unless the termination proceedings set forth in Section 10.8 are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Batesville Utilities Commission, prior to the date of any show cause or termination hearing under Sections 10.5 and 10.8.

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

10.7 Termination of Discharge In addition to those provisions in Section 5.6 of this ordinance, any user that violates the following conditions of this ordinance, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions.
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge.
- C. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
- E. Violation of the pretreatment standards in Section 2 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10. of this ordinance why the proposed action should not be taken. (Ord. No. 93-1-1, Sec. 10)

10.32.11 Judicial enforcement remedies

11.1 Injunctive Relief Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the Batesville Utilities Commission may petition a Court of competent jurisdiction for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. Such other action as appropriate for legal or equitable relief may also be sought by Batesville Utilities Commission. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

11.2 Civil Penalties

- A. Any user which has violated or continues to violate this ordinance, any order or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be liable to the Batesville Utilities Commission for a maximum civil penalty of One Thousand Dollars (\$1000.00) per violation per day.
- B. Such civil penalties shall be recoverable in a court of competent jurisdiction, but such civil proceeding may be initiated only after a majority vote of the Batesville City Council resolving to pursue the civil penalty.
- C. The Batesville Utilities Commission may recover reasonable attorney's fees, court cost, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by Batesville Utilities commission.
- D. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- E. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

11.3 Criminal Prosecution

- A. Any user who violates any provision of this ordinance, any orders or wastewater discharge permits issued hereunder, or any other pretreatment requirement, shall

be guilty of a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1000.00) per violation per day.

- B. No criminal prosecution shall be initiated except upon a vote of a majority of the City Council of Batesville, Arkansas resolving to pursue such criminal action.
- C. The penalties stated above shall be in addition to any other cause of action for personal injury or property damage available under state law, and shall be in addition to civil penalties which may be assessed under Section 11.2 above.
- D. Any user knowingly making any false statement, representation, or certification in any application, record, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, any Wastewater Discharge Permit, or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall be guilty of a misdemeanor, and may be punished by a fine of not more than One Thousand Dollars (\$1000.00) per violation per day.
- E. No criminal prosecution under the foregoing subparagraph may be initiated except upon a majority vote of the Batesville City Council resolving to pursue such criminal prosecution.

11.4 Remedies Nonexclusive The provisions in Sections 9-12 are not exclusive remedies. Batesville Utilities Commission reserves the exclusive right to take any, all, or any combination of these actions against a noncomplying user. Enforcement of pretreatment violations will generally be in accordance with The Batesville Utilities commission enforcement response plan. However, Batesville Utilities Commission reserves the right to take other action against any user when the circumstances warrant. Furthermore, the Batesville Utilities Commission is empowered to take more than one enforcement action against any non-complying user. These actions may be taken concurrently. (Ord. No. 93-1-1, Sec. 11)

10.32.12 Supplemental enforcement action

12.1 Performance Bonds The Batesville Utilities Commission may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this ordinance, any orders, or a previous wastewater discharge permit issued hereunder, unless such user first files a bond, payable to Batesville Utilities Commission, in a sum not to exceed a value determined by the Batesville Utilities Commission to be necessary to achieve consistent compliance.

12.2 Liability Insurance. The Batesville Utilities commission may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this ordinance, any order, or a previous wastewater discharge permit issued hereunder, unless the user first provides financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.3 Water Supply Severance Whenever a user has violated or continues to violate the provisions of this ordinance, orders, or wastewater discharge permits issued hereunder, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

12.4 Public Nuisances Any violation of this ordinance, wastewater discharge permits, or orders issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Batesville Utilities Commission. Any person(s) creating a public nuisance shall be required to reimburse Batesville Utilities Commission for any costs incurred in removing, abating or remedying said nuisance. (Ord. No. 93-1-1, Sec. 12)

10.32.13 Affirmative defenses to discharge violation

13.1 Upset

- A. 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.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph C are met.
- C. 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:
 - 1. An upset occurred and the industrial user can identify the cause(s) of the upset;
 - 2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
 - 3. The industrial user has submitted the following information to the POTW and treatment plant operator within twenty four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days]:
 - a. A description of the indirect discharge and cause of noncompliance.

- b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.
 - c. Steps being taken and planned to reduce, eliminate and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. 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.
- 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.

13.2 General And Specific Prohibitions An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 2.1 of this ordinance if it can prove that it did not know or have reason to know that its discharge, along or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. a local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference, or
- B. no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when Batesville Utilities Commission was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

13.3 Bypass

- A.
 - 1. "Bypass" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.
 - 2. "Severe property damage" means 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.

- B. 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 or to assure efficient operation. These bypasses are not subject to the provision of paragraphs C and D of this section.
- C.
 - 1. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten (10) days before the date of the bypass if possible.
 - 2. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D.
 - 1. 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 C of this section.

2. 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 D (1) of this section. (Ord. No. 93-1-1, Sec. 13)

10.32.14 Surcharge costs

14.1 Qualifications The Batesville Utilities Commission shall charge Industrial Users a surcharge in addition to the normal metered charge for sewer service who discharge wastewater to the Batesville POTW containing:

- A. Unusual BOD (five-day biochemical oxygen demand in excess of 270 mg/l); or
- B. Unusual Suspended Solids (total suspended solids in excess of two hundred and seventy milligrams per liter (270 mg/l)).

Sewer surcharges shall be based on the following formula:

$$S = V_{ww} \times 8.34 (C_{bod} (BOD_5 - 270)) + (C_{SS} (TSS - 270))$$

Where:

- S = Surcharge in dollars for the month
- V_{ww} = Volume of wastewater discharged during the month, in millions of gallons
- 8.34 = Pounds per gallon of water
- C_{BOD} = Unit charge for unusual BOD5 in dollars per pound
- BOD = Monthly average five-day BOD of IU's wastewater, in mg/l
- 270 = Concentrations in mg/l above which both BOD5 and TSS are considered unusual
- C_{SS} = Unit charge for unusual suspended solids, in dollars per pound
- TSS = Monthly average total suspended solids of IU's wastewater, in mg/l

14.2 Formula That from the date of passage of this ordinance to December 31, 1992, the average cost per pound for treatment of suspended solids ("TSS") shall be \$0.0237 per pound; and the average cost per pound for treatment of concentrations having biochemical oxygen demand ("BOD") shall be \$0.1061 per pound. On and after December 31, 1992, and annually thereafter, the values for factors C_{ss} and C_{BOD} shall be determined as follows:

$C_{SS} = \text{Suspended Solids} = \frac{10\% \text{ (total O \& M costs)}}{\text{total pounds of 5.5. treated in preceding FY}}$
Cost Per Pound

$C_{BOD} = \text{BOD Cost} - \frac{60\% \text{ (total O \& M costs)}}{\text{total pounds of BOD5 treated in preceding FY}}$
Cost Per Pound

(Ord. No. 93-1-1, Sec. 14)

10.32.15 Miscellaneous provisions

15.1 Charges and Fees The Batesville Utilities commission may hereafter adopt reasonable administrative charges and fees for reimbursement of costs of setting up and operating the Batesville Utilities Commission Pretreatment Program which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications.
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by industrial users.
- C. Fees for reviewing and responding to accidental discharge procedures and construction.
- D. Fees for filing appeals.
- E. Other fees as the Batesville Utilities Commission may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines and penalties chargeable by Batesville Utilities Commission.

15.2 Severability If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

15.3 Conflicts Ordinance No. 997, and all other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance, are hereby repealed to the extent of the inconsistency or conflict.

CHAPTER 10.36**MODIFICATION OF THE CROSS CONNECTION CONTROL PROGRAM****Sections:**

10.36.01	Definitions
10.36.02	Authority of approving authority
10.36.03	Inspection frequency
10.36.04	Categories of potential cross connection hazards
10.36.05	DCVA and PVBA containment
10.36.06	Hose bib vacuum breaker containment (HBVB)
10.36.07	Containment not required
10.36.08	Consumer responsibilities
10.36.09	Backflow prevention assemblies
10.36.10	Installation detail
10.36.11	RPZA, DRPZA, DDCVA & DCVA Installations
10.36.12	Records
10.36.13	Penalties

10.36.01 Definitions Definitions shall be modified as follows:

The following terms shall have the stated meanings:

Approving authority means the Manager of the BWU or his designated agent(s).

Auxiliary water supply means any water supply, on or available to the property other than the Water System.

AVBA means Atmospheric Vacuum Breaker Assembly.

AWWA means American Water Works Association.

Backflow means flow of water or other liquids, mixtures or substances, under positive or reduced pressure into the distribution pipes of a potable water supply from any source other than its intended source.

Backflow Prevention Assembly (or "Assemblies") means a mechanical backflow preventer assembly constructed with shut-off valves, and provided as a complete assembly by a single manufacturer, used to prevent the backflow of contaminants or pollutants into the Water System. The assembly must have the approval of the Foundation for Cross Connection-Control and Hydraulic Research at the University of Southern California, the State of Arkansas Department of Health, and the City.

Backflow Prevention Device means a mechanical device used to prevent the backflow of water.

BWU means the Batesville Water Utilities.

Bypass means any arrangement of pipes, plumbing, or hoses designed to divert the flow around an installed device or assembly through which the flow normally passes.

Certified testing technician means a person certified by the Arkansas Department of Health as an Assembly Testing Technician.

Certified repair technician means a person certified by the Arkansas Department of Health as an Assembly Repair Technician.

City means the city of Batesville, Arkansas,

Consumer means a "person" or "facility" receiving service from a potable water system.

Contaminant means a biological agent or chemical compound which can cause disease or threat to health.

Cross Connection means any actual or potential connection between the Water System and a source of contamination or pollution.

Cross Connection Control means the use of backflow prevention assemblies, methods and procedures to prevent contamination or pollution of a potable water supply through cross connections.

Degree of hazard means the relative classification of the danger posed by a particular substance or set of circumstances.

Domestic refers to plumbing as defined by the state of Arkansas Plumbing Code that is not associated with designated fire protection water service lines and systems.

Double Check Valve Assembly (DCVA) means a backflow prevention assembly consisting of two independently operating check valves, 4 test cocks, and 2 shutoff valves. DCVA's are only appropriate for use against non-health hazards. DCVA can be subjected to backpressure.

Detector Double Check Valve Assembly (DDCVA) means a DCVA with an additional smaller DCVA with a flow detector meter in parallel, used to detect system leaks and unauthorized use. Assembly must be shipped as a complete unit.

Detector Reduced Pressure Zone Assembly (DRPZA) means a RPZA with an additional smaller RPZA with a flow detector meter in parallel, used to detect system leaks and unauthorized use. Assembly must be shipped as a complete unit.

Fire protection system means a fire protection system consisting of one or more of the following: Pipes, sprinklers, valves, fixtures, fittings, ponds, tanks, water storage vessels and fire hydrants that are intended and used exclusively for fire protection.

Hose Bib Vacuum Breaker (HBVB) For all residential and non residential hosesupply outlets not subject to continuous pressure.

Hot Box is the Trade Mark for an above ground backfiow prevention assemblyenclosure incorporating freeze and vandalism protection features and as used herein is a standard for definition of the type and specification of enclosure.

Inspector means a person authorized by the Approving Authority to perform inspections of consumer's facilities to determine compliance with the Ordinance.

Isolation means the actual or physical separation of a specific section of plumbing within a premises by the means of an air gap or mechanical device.

Multiple services means two or more water service connections. When two or more water suppliers are involved, the multiple service connections constitute an "auxiliary source" of water on the property.

NFPA pamphlets means "National Fire Protection Association" pamphlets.

New construction means construction of a new facility, alteration of or addition to an existing facility, or modification of or addition to existing plumbing and fire protection systems.

Person means any individual, partnership, company, public or private corporation, political subdivision or agency of the United States or any other legal entity.

Pollutant means a biological or chemical substance which does not pose a health hazard but reduces the aesthetic quality of water.

Pressure Vacuum Breaker Assembly (PVBA) An assembly consisting of an independently operating internally loaded check valve, an independently operating loaded air inlet valve located on the discharge side of the check valve, with properly located resilient-seated test cocks and tightly closing resilient-seated shutoff valves attached at each end of the assembly designed to operate under pressure for prolonged periods of time to prevent backsiphonage. The pressure vacuum breaker may not be subjected to any back pressure.

Program means the Batesville Water Utilities Cross Connection Program.

Responsible Managing Employee (RME) means an individual or individuals who shall be designated by each company that plans, sells, installs, maintains, or services a fire protection sprinkler system on a full time basis to assure that each fire protection sprinkler system as installed, maintained, or serviced meets the standards as provided by state law.

Reduced Pressure Zone Assembly (RPZA) means a backflow prevention assembly consisting of four test cocks, two shut-off valves, two independently operating, spring loaded check valves with a reduced pressure zone between the checks valves. The zone contains a relief port which will open to atmosphere if the pressure in the zone falls within 2 psi of the supply pressure. The assembly provides protection against both backpressure and backsiphonage.

Retrofit means replacement of an existing device or backflow prevention assembly when the specifications or condition of the device or assembly are not adequate for the degree of hazard found on the property as defined by this program.

Service connection means a piping connection between the water main of BWU and a consumer's system.

UL means Underwriter Laboratories.
(Ord. No. 97-10-2, Sec. 1.3)

10.36.02 Authority of approving authority Authority of approving authority shall be modified to read as follows:

The Approving Authority shall administer the Program, and may designate individuals to conduct the Program. The Approving Authority is hereby authorized to:

- A. To protect the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage through the water service connection.
- B. Conduct a program which includes routine inspection of commercial, institutional, industrial establishments, and residential sites for possible contamination or pollution.
- C. Require installation of a backflow prevention assembly depending on the possible degree of hazard. - (Whether direct or indirect.)
- D. Review construction plans and determine requirement for backflow prevention assemblies. This shall apply to new construction, alteration or additions, as well as, modification of existing fire protection systems. This authority in no way

infringes upon, and is in addition to the authority of the Batesville City Enforcement Officer with regard to his duties in plan review and approval.

- E. Provide installation criteria for backflow prevention assemblies prior to construction.
- F. Conduct final inspection of backflow prevention assembly installations to verify conformance with approved installation plans.
- G. Ensure that RPZAs used for fire hydrants are performance tested.
- H. Maintain RPZAs and meters for issue to water users needing temporary water service from fire hydrants.
- I. Ensure RPZAs used by customers are tested annually and before issue.
- J. Verify fire hydrant RPZAs and meters are set and removed by BWU Personnel.
- K. Submit all required reports, maintain a data base, coordinate With other agencies to accomplish the purposes set forth in paragraph 1.2 and maintain the following records:
 - 1. Master files on customer Cross Connection Tests.
 - 2. Copies of fists and summaries available to the State Health Department.
 - 3. Number of annual tests conducted on backflow prevention assemblies.
 - 4. Number of cross connection control surveys performed.
 - 5. Total number of each type of backflow prevention assemblies that are installed.
 - 6. The following information is required per assembly. DDCVA and DRPZA are made up of two assemblies, each requiring record data.
 - a. Customer's name, mailing address, contact name, assembly address.
 - b. Type installation, problem history, location on property, and type of service.
 - c. Name of the manufacturer, model number and serial number of assembly.

- d. Type of assembly, date of installation (if available) and installation specifications.
 - e. Date of initial cross connection survey, survey results and type of actual or potential hazard.
 - f. Test results before and after repair or maintenance and date of latest retest.
 - g. Maintenance performed, repairs made, replacement parts, date repairs were made.
 - h. Information on backflows through the assembly.
- L. Maintain an inventory of all residential, commercial, institutional and industrial locations with complete information on cross connection devices or assemblies installed.
- M. Ensure meters on fire protection assemblies are read and consumer advised of water usage.
- N. Ensure a certified assembly repair technician is responsible for all repairs performed on an assembly. Installing backflow prevention assemblies within the scope of the plumbing system, shall be in accordance with the Arkansas Plumbing Code-
- O. Verify only certified assembly testing technicians perform testing on backflow prevention assemblies. (Ord. No. 97-10-2, Sec. 2.0.)

10.36.03 Inspection frequency Inspection frequency shall be modified to read as follows:

All such facilities should be inspected by the approval authority on the following schedule:

- A. **High Hazard** - Once per year.
- B. **Low Hazard** - Once every five years.
(Ord. No. 97-10-2, Sec. 2.7.)

10.36.04 Categories of potential Cross Connection Hazards Categories of potential Cross Connection hazards shall be modified to read as follows: All commercial, institutional, industrial establishments, and residential sites having potential cross connection hazards categorized by the Approving Authority into one of the three following categories:

- A. **High Hazard** a condition, device, or practice which is conducive to the introduction of water borne disease organisms, or harmful chemical, physical, or radioactive substances into a public water system, and which presents an unreasonable risk to health.
- B. **Low Hazard** a hazard which does not pose an immediate unreasonable risk to health, which could cause aesthetic problems or have a detrimental effect on the quality of the public potable water supply. (Ord. No. 97-10-2, Sec. 2.8.)

10.36.05 DCVA and PVBA containment DCVA and PVBA containment shall be modified to read as follows: An approved DCVA or PVBA may be the minimum backflow prevention required in the water service line if the owner can document that there are no potential high hazards on the premises.

- A. **Buildings** Any multi-story building, hotel, apartment house, public or private structure if a booster pump is used on the premises, or it is expected that a piping or equipment change might be made that could result in a cross connection to a low hazard.
- B. **Establishments** Any establishment containing chemical or biological pollutants.
- C. **Interconnected Water Services** If there is a potential for two or more water service lines being interconnected, and all water is used domestically, and only water from the Water System is available to the premises.
- D. **Private Water Systems** If there is an auxiliary water supply on or available to the premises, including a fire protection system. (Ord. No. 97-10-2, Sec. 4.3.)

10.36.06 Hose bib vacuum breaker containment (HBVB) Hose bib vacuum breaker containment (HBVB) shall be modified to read as follows: A HBVB device shall be utilized on all premises for isolation and back siphonage only. (Ord. No. 97-10-2, Sec. 4.4.)

10.36.07 Containment not required Containment not required shall be modified to read as follows: Backflow prevention shall not be required in the water service line if the owner can document that there are no potential hazards on the premises, that the owner has provided isolation in their facility and the Water System complies with all applicable requirements of the City and State of Arkansas, and the Water System conforms to one of the following:

- A. **Residential Systems** Used exclusively for domestic purposes, unless the system includes a permanently installed yard sprinkler system.
- B. **Solar Heating Systems** Used exclusively for once through heating (i.e. domestic hot water), and no chemical additives are used in the system.

Section 4.7 D shall be modified to read as follows, and Section E and F, shall be added as follows:

- D. Retrofit of Existing Systems This applies to an existing fire protection system which is being modified, extended, or enlarged. Such systems include a modification or extension to an existing network such as (distribution piping, sprinkler heads, control valves, etc, are added to an existing system), or where an additional fire protection system (new feed line, riser, control valve, distribution piping, sprinkler heads, etc.) is added to an existing system. If any of the conditions are met the system will be required to be upgraded to meet minimum standards
- E. The installation of properly sized assembly may cause an excessive pressure loss in some altered Class 1 and 2 systems. Such loss could make the system noncompliant with NFPA Pamphlets 13 and 14 as adopted. The Responsible Managing Employee shall document to the Approving Authority that reasonable modifications will not compensate for the additional loss. The documentation shall contain a listing of the minimum flow and pressure, headloss summary, desired and calculated sprinkler head output and a summary of the options examined to reduce headloss. For these installations, if not already installed, the existing cross connection control device will be replaced with two check valves in series (one of which can be the alarm valve), each valve meeting AWWA C508-82, LTL 312-88, or LTL 193-88, or the latest versions thereof, and equipped with a resilient seating surface. The valves or adjacent piping shall be equipped with a sufficient number of resilient seated test cocks (minimum diameter of one quarter to one-half inch) to determine the effectiveness of each valve (there shall be no leakage past any check valve). Sufficient resilient seated isolation valves - one valve upstream of the valves and one valve downstream of the valves - shall be present or added to the system to permit this testing.
- F. Existing Systems Existing fire protection systems, which have no single check valves or alarm valves are required to meet the minimum standards for a Class 1 and 2 fire protection system. The minimum protection for cross connection control for existing systems is the same as listed for new systems, except for existing systems which have a minimum of a single check valve. The check valve must have 2 resilient seated test cocks installed, one up stream and one downstream of the valve to determine the effectiveness of the valve. The performance testing of the check valve shall be performed at intervals predetermined by the Approving Authority. Should a check valve fail during any performance test, it will automatically be subject to upgrade to meet the minimum for protection requirements.
Existing fire protection systems which have a Class 4, 5, or 6 rating must have at a minimum a DRPZA installed on either the main riser or it can be installed on the chemically effected section of the piping system.

10.36.08 Consumer responsibilities Consumer responsibilities shall be modified to read as follows: The consumer shall:

- A. Eliminate all cross connections or install an approved backflow prevention assembly on the water service line.
- B. Immediately correct any malfunction of the backflow prevention assembly.
- C. Inform the Approving Authority of any proposed or modified cross connections and of any existing cross connections of which the consumer is aware.
- D. Submit construction plans for approval, and install an approved backflow prevention assembly. Failure, refusal, or inability on the part of the customer to install, maintain, and have tested, any backflow prevention assembly on the consumer's property shall constitute grounds for discontinuing water service until such requirements have been satisfactorily met.
- E. Have the type of backflow prevention assembly and manner of installation approved by the Approving Authority.
- F. Install a backflow prevention assembly if a private water source is operational even if it is not cross connected to the Water System.
- G. Install two (2) backflow prevention assemblies in parallel if uninterrupted water service is desired during testing or repair.
- H. Not install a by-pass around any backflow prevention assembly unless there is a backflow prevention assembly of the same type in the bypass.
- I. Have a certified operational test within 10 days of installation. All RPZA'S, DCVA's, PVBA'S, DRPZA'S, and DDCVA's will be tested at intervals not to exceed one (1) year after installation and annually there after. In those instances where the Approving Authority deems the degree of hazard to be great, an operational test may be required at more frequent intervals.
- J. Have only personnel licensed by the Arkansas State Health Department accomplish repairs, installation, maintenance and testing of backflow prevention assemblies. Assemblies for fire protection lines tapped from a domestic service line shall meet the same criteria. Repairs shall be made immediately upon notification by the tester. Overhaul shall be accomplished at intervals not to exceed five (5) years.

10.36.09 Backflow prevention assemblies Backflow prevention assemblies shall be modified to read as follows: Only those assemblies that are approved by BWU shall be used for backflow prevention in water service lines.

- A. Approved Assembly: Assemblies that have been tested and approved by the Foundation for Cross Connection Control and Hydraulic Research at the University of Southern California and certified by the Arkansas Health Department are approved by BWU.
- B. The following information shall be distinctly marked on every RPZA, DCVA, PVBA, DDCVA and DRPZA by cast in the metal, stamped in the metal, or stamped on a brass or stainless steel nameplate permanently affixed to the assembly:
 - 1. name or trademark,
 - 2. type (RPZA, PVBA, DDCVA, DRPZA, DCVA),
 - 3. size,
 - 4. model number,
 - 5. direction of flow (indicated by an arrow),
 - 6. serial number,
 - 7. maximum working water pressure, and
 - 8. maximum water temperature for which designed (designate degree F or degree C).
- C. Every RPZA, DCVA, PVBA, DDCVA and DRPZA shall be shipped from the manufacture completely assembled.

Section 6.2 shall be deleted in its entirety.

10.36.10 Installation detail Installation detail shall be renumbered 6.2 and modified to read as follows:

Assembly Installation A backflow prevention assembly shall be installed in accordance with the manufacturer's instructions.

- A. An assembly shall be installed on the owner's side of the water meter prior to first outlet, unless isolation is used.

- B. Piping connected to the assembly shall not be used for electrical grounding.
- C. Piping connected to the assembly shall be thoroughly flushed before installing the assembly.
- D. An adequate and permanent method of test water disposal shall be provided.
- E. A pressure relief valve shall be properly installed and maintained on all water heating apparatus served by the assembly.
- F. The assembly installation shall be protected from vandalism and freezing.
- G. Adequate support, excluding water lines, shall be provided for assemblies that are 3 " or larger.
- H. If not part of the approved assembly, an approved strainer should be installed on the inlet side of the assembly prior to the assembly isolation valve, so that all water must pass through the strainer immediately before entering the assembly.
- I. An approved blow-off shall be installed on stagnate flow 4-inch or larger water lines immediately after the assembly, to allow for flushing the assembly. Four-inch through ten-inch assemblies shall have a blow-off not less than 2-inches in diameter. Assemblies larger than 10-inch shall have a minimum 4-inch blow-off. Blow-offs installed in vaults shall have piping into the existing vault drain to prevent splashing. Blow-offs in vaults may also be routed above grade and away from the vault, however, a self draining feature must be incorporated to prevent freezing damage to the blow-off piping.
- J. If the assembly cannot be installed in the prescribed manner for any reason, the proposed deviations shall be submitted to BWU for review and approval before installation.

RPZA, DRPZA, DDCVA, & DCVA Installations

- A. The assembly shall not be installed below grade, unless the following criteria can be met and accepted by the Approving Authority:
 - 1. The vault and its installation shall be approved by BWU before the start of construction. In no case shall the vault be deeper than four (4) feet.
 - 2. The vault shall not be subject to flooding.
 - 3. The walls of the vault shall extend above the finished grade a minimum of 3 " to prevent intrusion of water or dirt.

4. The vault shall be water-tight to prevent intrusion of water or dirt.
 5. The vault shall drain to daylight through an adequate and permanent gravity drain with a slope of at least 1 degree, Installation plans shall show the elevation of the vault floor and the area the water will drain to. Plans shall show drainage pipe depth and location. Drainage pipe size shall be twice the inside diameter of the supply line. Protection on the drainage outlet shall be provided to prevent undesirable creatures from entering.
 6. The vault cover shall be removable to allow full access to the vault. A minimum of two lifting points shall be provided.
 7. An access door shall be installed in the vault cover on the testable side of the assembly. Approved doors shall be similar or equal to Bdco or Halladay and shall be a minimum of 24" x 24".
- B. Minimum installation clearance dimensions shall be 30 inches between the assembly and corresponding wall and 12 inches on the opposite side, 8 inches on each end, 6 inches above the highest point and 12 inches under the assembly. Top of assembly shall not exceed 72 inches above finished grade. Unless prior approval by control authority. (Ord. No. 97-10-2, Sec. 6.3.)

10.36.12 Records Records shall be modified to read as follows: The consumer shall keep records for each assembly. Installation drawings, installer, test reports, manufacturer, model, serial number, date installed, schedule of preventive maintenance, test reports and technical data are the minimum record requirements. These records shall be maintained for a period not less than five years. (Ord. No. 97-10-2, Sec. 6.6.)

10.36.13 Penalties Penalties shall be modified to read as follows:

- A. Any consumer found in violation of any of the provisions of the Ordinance, shall be served by the Approving Authority with written notice stating the nature of the violation, describing the penalty applicable to the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The consumer may deliver by certified mail to the Approving Authority, within five (5) days of receipt of such notice, a written request for a hearing before the Approving Authority at which hearing the consumer shall be given an opportunity to show cause why the notice should be rescinded or modified.

- B. Any notice issued pursuant to this sub-section may provide a compliance directive mandating procedures to bring the consumer into compliance with the Program within the designated time; failure to comply with the compliance directive shall result in termination of water service.
- C. No action to terminate water service shall be final until the Approving Authority has given notice described herein and conducted the show cause hearing, if requested.
- D. However, if the Approving Authority determines that to continue to provide water service will endanger the public health, due to possible contamination of the Water System, water service to the property shall be immediately terminated.
- E. Any person violating the provisions of this Ordinance shall become liable to the BWU for any expense, loss or damage occasioned the BWLJ by reason of such violation.
- F. The listing of penalties in this Section shall not preclude other appropriate judicial remedies available to BWU for any violation of the Program. The BWU may petition any Court of competent jurisdiction to grant injunctive or other legal or equitable relief by reason of a violation.
- G. Any person maliciously, willfully, or negligently breaking, damaging, destroying, defacing, or tampering with any structure, appurtenance or equipment which is a part of any backflow prevention assembly or it's protective housing, shall be subject to all civil or criminal penalties which may be imposed under any applicable civil or criminal law of the state of Arkansas or the United States of America. (Ord. No. 97-10-2, Sec. 6.8.)

CHAPTER 10.40

HEARINGS AND PAYMENT OF CLAIMS

Sections:

- 10.40.01 Applying for compensation
- 10.40.02 Limit of payment
- 10.40.03 Insurance coverage
- 10.40.04 Sharing in payments

- 10.40.05 Single occurrence
- 10.40.06 Payment of reimbursement
- 10.40.07 Installation of device

10.40.01 Applying for compensation Persons whose real or personal property has suffered injury due to water distribution line or sewer collection line break, blockage, of malfunction which occurs in a line owned by the city of Batesville, Arkansas, may apply to the Batesville City Council for compensation for damage arising from such injury. (Ord. No. 2009-10-2, Sec. 1.)

10.40.02 Limit of payment The limit of payment which shall be made shall be the actual damage sustained by the property owner less all sums to which the property owner may be entitled from insurance coverage or from third parties, but in no instance shall such payment exceed Ten Thousand Dollars (\$10,000.00). (Ord. No. 2009-10-2, Sec. 2.)

10.40.03 Insurance coverage Property owners shall exhaust all insurance coverage and all remedies against third parties before application to the Batesville City Council for payment for injuries to their property. (Ord. No. 2009-10-2, Sec. 3.)

10.40.04 Sharing in payments In the event that more than one (1) owner shall suffer injury to their property as the result of a single occurrence as hereinafter defined and in the event that the total injury to all such owners' properties, whether real or personal, shall equal or exceed, after payment of all applicable insurance coverage and third party contributions, the aggregate of Ten Thousand Dollars (\$10,000.00), then the owners shall share *pro rata* in the limit of payments (\$10,000.00) in the proportion which their loss, as above defined, bears to the total of loss sustained by all parties suffering an injury to property as a result of the occurrence until the limit of Ten Thousand Dollars (\$10,000.00) per occurrence has been exhausted. (Ord. No. 2009-10-2, Sec. 4.)

10.40.05 Single occurrence A single occurrence shall be defined as an incident of damage to:

- A. A single family structure
 - B. An apartment complex (a multi-family structure)
 - C. A business complex (a multiple business facility)
 - D. A medical facility (whether housing one or more medical providers)
 - E. A long term care facility
 - F. A single business entity facility
- (Ord. No. 2009-10-2, Sec. 5.)

10.40.06 Payment of reimbursement Payment of reimbursement for injury to private property shall be contingent upon installation on the service line serving the property which has suffered injury, a pop-off, clean-out device and backflow prevention device and the written

agreement of the owner to maintain the pop-off, clean-out device and the backflow prevention device in working order. This provision may be waived by the Batesville City Engineer if he determines that such device or devices are unnecessary to prevent a reoccurrence. (Ord. No. 2009-10-2, Sec. 6.)

10.40.07 Installation of device The pop-off, clean-out device or backflow prevention shall be furnished by the Batesville Utilities Department. Installation of the pop-off, clean-out device or of the back flow prevention device may be accomplished by the owner at his expense, or by agents or employees of the Batesville Utilities Department subject to available manpower. (Ord. No. 2009-10-2, Sec. 7.)