

ORDINANCE NO. 2005-8-226

**AN ORDINANCE REPEALING ORDINANCE 2004-10-186 OF
THE CITY OF TONTITOWN AND ADOPTING THE
SEWER USE CODE FOR THE CITY OF TONTITOWN.**

WHEREAS, A.C.A. §14-53-207 authorizes a municipality to adopt by reference technical codes or regulations without setting forth the provisions of the code; and

WHEREAS, three copies thereof are filed in the office of the City Clerk for inspection and view by the public prior to the passage of said ordinance; and

WHEREAS, notice to be public by publication in a paper of general circulation within Tontitown has been given stating the copies of the Sewer Use Code are open to public inspection prior to the passage of this ordinance adopting said code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS;

SECTION 1. That Ordinance 2004-10-186 of the City of Tontitown, is hereby repealed.

SECTION 2. That the Sewer Use Code attached hereto as Exhibit "A" and made a part hereof is hereby adopted by reference.

SECTION 3. Said Sewer Use Code shall be codified in substantially the same form as shown in the attached Exhibit A'.

SECTION 4. Should any paragraph, section., clause, phrase or port of said Sewer Use Code, for any reason, be held invalid, such invalidity shall not affect the validity of the remaining provisions of said Sewer Use Code and the application of those provisions to any person or circumstance shall not be affected thereby.



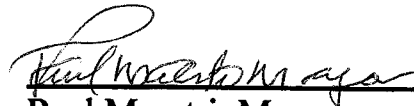
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SECTION 5. Ala other ordinances and parts of other ordinances inconsistent or conflicting with any part of his Ordinance, are hereby repealed to the extent of the incontinency or conflict.

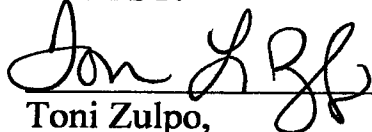
SECTION 6. This ordinance being necessary for the preservation of the health, safety and welfare of the residents of the City of Tontitown, it is hereby declared that an emergency exists and this ordinance shall become effective immediately upon its passage, approval and publication.

PASSED AND APPROVED this 2 day of August, 2005.

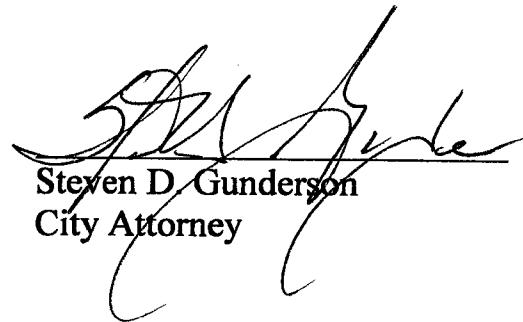


Paul Maestri, Mayor

ATTEST:



Toni Zulpo,
Recorder / Treasurer



Steven D. Gunderson
City Attorney

SPONSORED BY:

SEWER USE CODE

I. GENERAL PROVISIONS.

A. PURPOSE. This Code sets forth standards and requirements for users of the Publicly Owned Treatment Works (POTW) for the City of Tontitown, Arkansas, and enables the Control Authority to comply with all applicable Federal and State laws, including the Clean Water Act (33 U.S.C. 1251 et seq.) and the General Pretreatment Regulations (40 CF. R. Part 403). The objectives of this Code are:

(1) To prevent the introduction of pollutants into the POTW that will interfere with its operation or contaminate its resulting biosolids (sludge);

(2) 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;

(3) To protect both POTW personnel who may be affected by wastewater and biosolids (sludge) in the course of their employment and the general public;

(4) To improve opportunities for reuse and recycling of wastewater and biosolids (sludge) from the POTW;

(5) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, biosolids (sludge) use and disposal requirements, and any other Federal or State laws to which the POTW is subject;

(6) To provide for penalties for violations of the regulations established herein; and

(7) To promote the implementation of pollution prevention practices by users of the POTW.

This Code authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; and requires user reporting.

B. APPLICABILITY. This Code shall apply to all users of the POTW.

C. ADMINISTRATION. Except as otherwise provided herein, the Control Authority, as defined in this Code, shall administer, implement and enforce the provisions of this Code. Any powers granted to or duties imposed upon the Control Authority may be delegated by the Control Authority to its authorized representative.

D. ABBREVIATIONS. The following abbreviations shall have the designated meanings:

ADPC & E	-	Arkansas Department of Pollution Control & Ecology
BOD	-	Biochemical Oxygen Demand
C.F.R.	-	Code of Federal Regulations
EPA	-	U S. Environmental Protection Agency
gpd	-	gallons per day
mg / L	-	milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
POTW	-	Publicly Owned Treatment Works
RCRA	-	Resource Conservation and Recovery Act
TSS	-	Total Suspended Solids
U.S.C	-	United States Code

E. DEFINITIONS. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Code, 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. The State of Arkansas or the State Industrial Pretreatment Coordinator.

AUTHORIZED REPRESENTATIVE/SIGNATORY OF THE USER.

(1) If the user is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures:

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;

(3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee;

(4) The individuals described in paragraphs 1 through 3 above may designate another authorized representative if the authorization:

(a) Is in writing;

(b) 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:

(c) The written authorization is submitted to the Control Authority,

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration in milligrams per liter (mg/L).

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from, soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal.

CATEGORICAL PRETREATMENT STANDARD OR

CATEGORICAL STANDARD. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c)

of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471.

CITY BUILDING INSPECTOR. That person or his/her delegated representative employed by the City of Tontitown, Arkansas, whose responsibility is to enforce compliance within the City's planning area of all building codes.

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, as specified by the Control Authority.

CONTROL AUTHORITY. The Tontitown Water & Sewer Commission. The Commission may delegate its powers to its authorized representative, and to the extent it does, this definition shall include any designated representative.

ENVIRONMENTAL PROTECTION AGENCY (EPA). The U.S. Environmental Protection Agency or its authorized representative.

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

GARBAGE. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

GRAB SAMPLE. An individual sample collected over a period of time not to exceed (15) minutes.

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

INDUSTRIAL USER. A user that discharges nondomestic wastewater into the POTW.

INDUSTRIAL WASTES. The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT.

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

INTERFERENCE. A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations, or its biosolids (sludge) processes, use, or disposal. Such discharges include but are not limited to discharges which cause a violation of the City of Tontitown, Arkansas NPDES permit or the prevention of biosolids (sludge) use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State biosolids (sludge) management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

MAY. Discretionary or permissive.

MEDICAL WASTE. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. A permit issued to a POTW or other discharger pursuant to Section 402 of the Act.

NEW SOURCE.

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

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

(b) The building, structure, facility, or installation totally replaces the processor production equipment that causes the discharge of pollutants at an existing source: or

(c) 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.

(2) 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 above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined herein has commenced if the owner or operator has:

(a) Begun, or caused to begin as part of a continuous onsite construction program:

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

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

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which 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