

ORDINANCE NO. 98

AN ORDINANCE REGULATING THE DISCHARGE OF INDUSTRIAL WASTES INTO THE SANITARY SEWERS OF THE CITY OF CLINTON, ARKANSAS, PROMULGATING REGULATIONS AND ESTABLISHING CHARGES FOR SERVICES RENDERED, PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200) FOR EACH OFFENSE, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Clinton has provided facilities for the collection and treatment of sewage to promote the health, safety and convenience of its people and for the safeguarding of water resources common to all, and

WHEREAS, provision has been made in the design, construction, and operation of such facilities to accommodate certain types and quantities of industrial wastes in excess of, and in addition to, normal sewage, and

WHEREAS, it is the obligation of the producers of industrial wastes to defray the costs of extra services rendered by the City of Clinton in an equitable manner and, insofar as it is practicable, in proportion to benefits derived, and

WHEREAS, proper protection and operation of the collection and treatment facilities may require either the exclusion, pretreatment, or controlled discharge at point of origin of certain types or quantities of industrial wastes,

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

SECTION 1. Definition of Terms. The meaning of terms used in this Ordinance shall be as follows:

- (a) "CITY" shall mean the City of Clinton, Arkansas, or any authorized person acting in its behalf.
- (b) "PERSON" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, governmental agency, or entity and agents, servants or employees.

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(c) "APPROVING AUTHORITY" shall mean the Sewer Superintendent (or other official designated by the Mayor) of the City of Clinton or his duly authorized deputy, agency or representative.

(d) "SEWAGE" shall mean a combination of the water-carried waste from residences, business buildings, institutions and industrial establishments.

(e) "DOMESTIC SEWAGE" shall mean water-borne wastes normally discharging into the sanitary conveniences of dwellings (including apartment houses and hotels), office dwellings, factories and institutions, free of storm surface water and industrial wastes.

(f) "NORMAL" domestic sewage shall mean normal sewage for the City of Clinton in which the average concentration of suspended materials is 200 parts per million and 5-day B.O.D. is established at 250 parts per million, by weight, on the basis of normal daily contribution of twenty hundredths (0.20) pounds per capita, per 100 gallons.

(g) "GARBAGE" shall mean solid wastes and residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.

(h) "PROPERLY SHREDDED GARBAGE" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half ( $\frac{1}{2}$ ) inch in any diameter.

(i) "SEWER" shall mean a pipe or conduit for carrying sewage.

(j) "PUBLIC SEWER" shall mean a sewer in which all owners of abutting properties shall have equal rights and interest controlled by public authority.

(k) "SANITARY SEWER" shall mean a sewer that conveys sewage of industrial wastes or a combination of both, and into which storm, surface and ground waters or unpolluted wastes are not intentionally passed.

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(l) "STORM SEWER OR STORM DRAIN" shall mean a sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.

(m) "SEWAGE WORKS" shall mean all facilities for collecting, pumping, treating and disposing of sewage and industrial wastes and would include sewage, as well as the sewage treatment facilities.

(n) "SEWERAGE" shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage and industrial wastes.

(o) "SEWAGE TREATMENT PLANT" shall mean any City-owned facility, devices, and structures used for receiving and treating sewage from the City sanitary sewer system.

(p) "pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in mols per liter. It shall be determined by one of the procedures outlined in "Standard Methods."

(q) "B.O.D." shall mean the quantity of oxygen expressed in parts per million by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees Centigrade. The laboratory determination shall be made in accordance with procedures set forth in "Standard Methods."

(r) "SUSPENDED SOLIDS" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods."

(s) "UNPOLLUTED WATER OR WASTE" shall mean water or waste containing none of the following: free or emulsified grease or oil; acids or alkalis; phenols or other substances producing taste and odor in receiving water; toxic or poisonous substances in suspension; colloidal state or solution and noxious

or otherwise obnoxious, odorous gases. It shall contain not more than ten (10) parts per million each of suspended solids and B.O.D. The color shall not exceed fifty (50) parts per million.

(t) "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 Sewage" as prepared, approved and published jointly by the American Public Health Association and the American Water Works Association and the Federation of Sewage and Industrial Waste Associations.

(u) "BUILDING DRAIN" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys to the building sewer, beginning three feet outside the inner face of the building wall.

(v) "BUILDING SEWER" shall mean the extension from the building drain to the sewer or other place of disposal.

(w) "NATURAL OUTLET" shall mean any outlet into a watercourse, ditch, lake or other body of surface or ground water.

(x) "WATERCOURSE" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(y) "PARTS PER MILLION" shall mean a weight-to-weight ratio; the parts-per-million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

(z) "SEWAGE SERVICE CHARGE" shall mean the charge on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representatives of normal sewage.

(aa) "SURCHARGE" shall mean the charge in addition to the sewage service charge which is made on those persons whose wastes are greater in strength than the concentration values established as representative of normal sewage.

(bb) "STORM WATER" shall mean rainfall or any other forms of precipitation.

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(cc) "INDUSTRIAL WASTE" shall mean water-borne solids, liquids, or gaseous wastes resulting from and discharged, permitted to flow, or escaping from any industrial, manufacturing or food processing operation or process, or from the development of any natural resource, or any mixture of these with water or domestic sewage as distinct from normal domestic sewage.

SECTION 2. Admission of Industrial Wastes into the Public Sewers.

(a) APPROVAL REQUIRED - Review and acceptance of the Approving Authority shall be obtained prior to the discharge into the public sewers of any wastes and waters having:

(1) A 5-day, 20 degree Centigrade biochemical-oxygen-demand (B.O.D.) greater than 250 parts per million.

(2) Suspended solids containing greater than 200 parts per million.

(b) PRE-TREATMENT - Where required, in the opinion of the Approving Authority, to modify or eliminate wastes that are harmful to the structures, processes or operations of the sewage disposal works, the person shall provide, at his expense, such preliminary treatment or processing facilities as may be determined necessary to render his wastes acceptable (with respect to quantity and quality) for admission to the public sewers.

(c) GREASE, OILS AND SAND INTERCEPTORS - Grease, oil and sand interceptors shall be provided for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwellings. All interceptors shall be of a type and capacity approved by the Approving Authority and shall be located as to be readily accessible for easy cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight.

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Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(d) SUBMISSION OF INFORMATION - Plans, specifications and any other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted for approval of the Approving Authority prior to the start of their construction, if the effluent from such facilities is to be discharged into the public sewers.

SECTION 3. Prohibitive Discharges.

(a) No person shall discharge or cause to be discharged any storm water, ground water, roof run-off, sub-surface drainage, down spouts, yard drains, yard fountain and ponds, or lawn sprays into any sanitary sewer. Storm water 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 Approving Authority.

In cases where, and in the opinion of the Approving Authority, the character of the sewage from any manufacturer or industrial plant building or other premises is such that it will damage the system, or cannot be treated satisfactorily in the system, the Approving Authority shall have the right to require such user to dispose of such waste otherwise and prevent it from entering the system.

(b) No person shall discharge or cause to be discharged either directly or indirectly any of the following described substances, materials, waters or wastes:

- (1) Any liquid having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade).
- (2) Any water or wastes which contain wax, grease, or oil, plastic or other substance that will solidify, or become discernibly viscous at temperatures between 32 degrees to 150 degrees Fahrenheit.
- (3) Any solids, slurries, or viscous substances of such character as to be capable of causing obstruction to

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the flow in sewers, or other interference with the proper operation of the sewage works, such as ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshlings, entrails, lime slurry, lime residues, slops, chemical residues, paint residues, or bulk solids.

(4) Any solids, liquids, or gases which by themselves, or by interaction with other substances may cause fire or explosion hazards, or in any other way be injurious to persons, property, or the operator of the sewage-disposal works.

(5) Any garbage that has not been properly comminuted or shredded. If properly comminuted or shredded, then it may be accepted under provisions established in Section 1.

(6) Any noxious or malodorous substance, which either singly or by interaction with other substances is capable of causing objectionable odors, or hazard to life; or forms solids in concentrations exceeding limits established in Section 2, or creates any other condition deleterious to structures or treatment processes; or requires unusual provisions, alteration, or expense to handle such materials.

(7) Any waters or wastes having a pH lower than 6.0 or higher than 10.0 or having any corrosive property capable of causing damage or hazards to structures, equipment, or personnel of the sewage disposal works.

(8) Any wastes or waters containing suspended or dissolved solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment or in the public sewage works.

(9) Any waters or wastes containing a toxic or poisonous substance such as plating or heat-treating wastes in sufficient quantity to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, or to create any hazard in the receiving waters of the sewage treatment plant.

(10) Any cyanide greater than 0.25 parts per million.

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- (11) Any phenols greater than 0.01 parts per million.
- (12) Any hydrogen sulfide greater than 0.1 parts per million.
- (13) Any fluorides greater than 1.5 parts per million.
- (14) Any arsenic greater than 0.05 parts per million.
- (15) Any barium greater than 5.0 parts per million.
- (16) Any boron greater than 1.0 parts per million.
- (17) Any cadmium greater than 0.02 parts per million.
- (18) Any hexavalent chromium greater than 1.0 parts per million.
- (19) Any trivalent chromium greater than 5.0 parts per million.
- (20) Any copper greater than 1.0 parts per million.
- (21) Any iron greater than 5.0 parts per million.
- (22) Any lead greater than 0.1 parts per million.
- (23) Any manganese greater than 1.0 parts per million.
- (24) Any mercury greater than 0.005 parts per million.
- (25) Any nickel greater than 1.0 parts per million.
- (26) Any selenium greater than 0.02 parts per million.
- (27) Any silver greater than 0.1 parts per million.
- (28) Any tin greater than 1.0 parts per million.
- (29) Any zinc greater than 1.0 parts per million.

(c) It shall be unlawful for any person, corporation or individual to discharge waters or wastes to the sanitary sewer containing:

(1) Free or emulsified oil and grease exceeding, on analysis, an average of 1.00 parts per million (8.345 pounds per million gallons) of either, or both, or combinations of free or emulsified oil and grease, if, in the opinion of the Approving Authority, it appears probable that such wastes:

- (A) Can deposit grease or oil in the sewer lines in such manner to clog the sewers.
- (B) Can overload skimming and grease handling equipment.
- (C) Are not amenable to bacterial action and will, therefore, pass to the receiving waters without being affected by normal sewage treatment processes, or
- (D) Can have deleterious effects on the treatment process due to excessive quantities.

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(2) Any radioactive wastes greater than the allowable releases as specified by current United States Bureau of Standards Handbooks dealing with the handling of and release of radioactivity.

(3) Cyanides or cyanogen compounds capable of liberating hydrocyanic gas on acidification in excess of one-quarter (0.25) parts per million by weight as CN in the wastes from any outlet into the public sewers.

(4) Materials which exert or cause:

(A) Unusual concentrations of solids or composition; as for example, in total suspended solids of inert nature (such as Fuller's Earth) and/or in total dissolved solids (such as sodium chloride, or sodium sulfate).

(B) Excessive discoloration.

(C) Unusual biochemical oxygen demand or an immediate oxygen demand.

(D) Unusual flow and concentration shall be pretreated to a concentration acceptable to the City, if such wastes can:

(aa) cause damage to collection facilities.

(bb) impair the processes.

(cc) incur treatment cost exceeding those of normal sewage, or

(dd) render the water unfit for stream disposal or industrial use.

Where discharge of such wastes to the sanitary sewer are not properly treated or otherwise corrected, the Approving Authority may:

(aaa) reject the wastes, or terminate the service of water and/or sanitary sewer,

(bbb) require control of the quantities and rates of discharge of such wastes, or

(ccc) require payment of surcharges for excessive cost for treatment provided such wastes are amenable to treatment by normal sewage plant facilities operated by the City.

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SECTION 4    Control of Admissible Wastes

(a) PERMIT - Within 120 days after passage of this ordinance, any person desiring to deposit or discharge any industrial waste mixture into the sewers or sewer work of the City, or any sewer connected therewith, or who is now so doing, shall make application to the Approving Authority for a permit therefore upon application forms to be obtained from him.

(b) CONTROL CHAMBERS - Within three (3) months from the date of passage of this Ordinance any person discharging or desiring to discharge any industrial waste mixture into the sewers or sewer works of the City, or any sewer connected herewith, shall provide and maintain in a suitable accessible position on his premises, or such premises occupied by him an inspection chamber or manhole near the outlet of each sewer, drain, pipe, channel, or connection which communicates with any sewer or sewer works of the City, or any sewer connected therewith. Each such manhole or inspection chamber shall be of such design or construction which will prevent infiltration by ground and surface waters or introduction of slugs of solids by installation of screens with maximum openings of one (1) inch, but of such sufficient fineness to prevent the entrance of objectionable slugs of solids to the sanitary sewage system and shall be so maintained by persons discharging wastes so that any authorized representative or employee of the City may readily and safely measure the volume and obtain samples of the flow at all times. Plans for the construction of control manholes or inspection chambers, including such flow measuring devices as may or may not be required, shall be approved by the Approving Authority prior to the beginning of construction.

(c) MEASUREMENT OF FLOW - The water consumption, as determined from the meter records of the Water Department, shall be a valid basis for computing the sewage flow.

(d) SAMPLING OF WASTES - Sampling of the effluent of waste discharges may be accomplished manually or by the use of

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mechanical equipment to obtain a composite sample which would be representative of the total effluent. Samples shall be taken at such intervals as determined by the Approving Authority as necessary to maintain a control over the discharge from the establishment. The method used in the examination of all bacteriological wastes to determine suspended solids, B.O.D., and prohibited wastes shall be those set forth in Section 1.

SECTION 5. Protection from Damage.

(a) No unauthorized person shall maliciously, willfully, or negligibly break, damage, uncover, deface or temper with any structure, appurtenances or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under a charge of Misdemeanor.

SECTION 6. Industrial Waste Surcharges.

(a) Persons or owners discharging industrial wastes which exhibit none of the characteristics of wastes prohibited in Section 3, other than excessive BOD, or suspended solids, but having a concentration for a duration of fifteen (15) minutes greater than four (4) times that of "normal" sewage as measured by suspended solids and BOD and/or a concentration during a twenty-four (24) hour period average of suspended solids and BOD content in excess of "normal" sewage, as defined in (definition) as "normal" domestic sewage, shall be required to pretreat the industrial wastes to meet the requirements of "normal" sewage, however, such wastes may be accepted for treatment, if all the following requirements are met:

- (1) The wastes will not cause damage to the collection system.
- (2) The wastes will not impair the treatment process.
- (3) The donor of the wastes enters into a contractual agreement with the City of Clinton providing for a surcharge over and above published water and sewer rates. The basis for surcharge on industrial wastes is according to the following formula:

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$$IUS = V (A (BOD - 250) + B(SS-200))$$

Where the following definitions apply

IUS = Industrial User Surcharge

V = Volume of Discharge in Millions Gallons

A = BOD Surcharge factor (dollars per million gallons per Mg/L)

BOD = 5 day 20 degree C Strength of Composite Samples of waste as determined by standard methods

B = Suspended solids surcharge factor (dollars per million gallons per Mg/L)

SS = Suspended Solids value of the composite samples as determined by standard methods in Mg/L

The value of each of these factors A & B shall be determined annually as the capitalized annual cost of removal of BOD & SS Solids at the sewage plant after considering the cost of operation and maintenance, sinking fund, chemicals, power, depreciation, repairs, overhead, and all other costs attributable thereto. The method of calculation shall be according with federal guidelines pertaining to this subject.

SECTION 7. Billing.

(a) Industrial waste surcharges provided for in this Ordinance shall be included as a separate item on the regular bill for water and sewer charges and shall be paid monthly in accordance with the existing practices. Surcharges shall be paid at the same time that the water and sewer charges of the person become due and payment for water and sewer services shall not be accepted without payment also of sewer service charges and surcharges.

SECTION 8. Penalty for Failure to Pay Bills.

(a) Failure to pay monthly bills for water and/or sanitary sewer services when due, or failure to pay the established sewer charge for industrial waste when due, or repeated discharge of prohibited waste to the sanitary sewer shall be sufficient cause to disconnect any and all services to the water and/or sewer mains of the City of Clinton and the same

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penalties and charges now or hereafter provided for by the Ordinances of the City of Clinton for failure to pay the bill for water service when due shall be applicable in like manner in case of failure to pay the established surcharge for industrial waste discharged to the sanitary sewer mains as established in Section 6.

SECTION 9. Powers and Authority of Enforcing Agents.

The Approving Authority bearing credentials and identification shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing, in accordance with provisions of these regulations. Any persons found to be violating any provisions of this Ordinance 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. Any person guilty of violation of the service contract and shall be summarily disconnected from the sanitary sewer and/or water service. Such disconnection and re-connection would be at the total expense of the customer.

Where acids and chemicals, damaging to sewer lines or treatment processes are released to the sewer, causing deterioration of these structures or interfering with proper treatment of sewage, the Approving Authority is authorized to immediately terminate services by such measures as are necessary to protect the facilities.

SECTION 10. Penalties.

(a) If any person, firm or corporation shall violate any of the provisions of this Ordinance, they shall be guilty of a Misdemeanor, and upon conviction in the Municipal Court, shall be punished by a fine not to exceed Two Hundred Dollars (\$200) for each offense. Each day of each such violation shall be deemed a separate offense.

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SECTION 11. Validity

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. The validity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without invalidated part or parts.

SECTION 12 Emergency Clause.

WHEREAS, at the present time there are no adequate regulations concerning the discharge of industrial waste materials into the public sewage system requires that such regulations be established in order to permit the proper development of industrial properties, and in order to protect the public interest, comfort and general welfare of the City of Clinton, and creates an urgency and an emergency for the preservation of the public health, safety and welfare, and requires that this Ordinance shall take effect immediately from and after its passage and publication of the caption of said Ordinance, as the law in such cases provides.

PASSED on the 9th day of April, 1975.

JOHN B. EVANS, Mayor

ATTEST: CECIL BURGESS, City Recorder