THE CITY OF LAWTON
INDUSTRIAL PRETREATMENT PROGRAM

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ATTORNEY'S STATEMENT

OFFICE OF THE CITY ATTORNEY

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April 25, 2011

Ms. Roshini Nambiar
Municipal Pretreatment Coordinator
Municipal Wastewater Enforcement Section
ODEQ – Water Quality Division
PO Box 1677
Oklahoma City, OK 73101-1677

Re: City of Lawton Industrial Pretreatment Program Modification
OPDES Permit Number OK0035246; State Facility S-11303

Dear Ms. Nambiar,

I am an attorney for the City of Lawton and its publicly owned treatment works ("POTW"). As you are aware, the City of Lawton amended its Industrial Pretreatment Program ordinance subject to approval by your office. This modification included, among other changes, revising its Technically Based Local Limits, revising its Sewer Use Ordinance and incorporating certain "Streamlining" regulations, all as mandated by federal regulation.

As part of the City's program submission to your office, Title 40 CFR §403.9(b) requires a statement from the City Attorney that the City as a POTW is adequately authorized to carry out the Industrial Pretreatment Program as required by the regulations. In this regard, I have reviewed applicable sections of federal law and federal regulation. These include §307 and §402 of the Federal Water Pollution Control Act ("the Act") related to "Toxic and Pretreatment Effluent Standards" and "National Pollutant Discharge Elimination System", respectively, as well as Parts 401 and 403, Subchapter N, Chapter I, Title 40 of the Code of Federal Regulation. In turn, I have examined the City's most recent amended ordinance regarding its Industrial Pretreatment Program, the ordinance being identified as Article 3, Division 1 of the Lawton City Code, §§22-301 et seq., and known to the City as its "Wastewater Discharge Code".

In my opinion, the City of Lawton's Wastewater Discharge Code, and more generally its Industrial Pretreatment Program, adequately carries out the programs described in Title 40 CFR §403.8. Our Wastewater Discharge Code empowers the City to apply and to enforce the applicable requirements of the Act and related regulations.

Further, as required by Title 40 CFR §403.9(b), three additional areas of specific criteria must be addressed in this attorney's letter. For convenience, references to the Code of Federal Regulation provisions from Title 40 will hereafter be cited as "CFR" and the particular CFR section, such as "CFR §403.9(b)(1)(i)"; references to the City's Wastewater Discharge Code will be cited as "LCC" and the abbreviated code section, such as "LCC §22-329" for Lawton City Code §22-3-5-329. Also, often one criterion will be addressed in multiple provisions of the City's Wastewater Discharge Code. An exhaustive listing of all possibly applicable Lawton City Code provisions will not be provided; rather, only such City code sections necessary to demonstrate meeting each required criteria will be cited. Finally, this letter will not restate the City's Pretreatment Program requirements but will merely abbreviate the relevant content; you are directed to the Lawton City Code sections referenced below for further particulars.

First, CFR §403.9(b)(1)(i) requires this attorney's letter to identify the provisions of the legal authority under Code §403(f)(1) which provides the basis for each procedure under CFR §403.8(f)(2).

CFR §403.8(f)(2)(i). LCC §22-344 enables identification and location all possible Industrial Users which might be subject to the City's Pretreatment Program. This provision in effect requires users subject to the National Categorical Pretreatment Standards to register with the Director of the City's POTW and to provide pertinent information regarding the user's operation and pollutants involved.

CFR §403.8(f)(2)(ii). LCC §§ 22-336 and 22-344 enables identification of the character and volume of pollutants contributed to the City's POTW by requiring baseline monitoring and reporting by Industrial Users. LCC §22-329 imposes additional informational reporting requirements for Significant Industrial Users. LCC §§22-323 and 22-324 impose record keeping and manifest record requirements for transportation of wastewater from septic tanks and other pretreatment facilities.

CFR §403.8(f)(2)(iii). LCC §22-311 requires the Director to notify all identified users affected by the applicable reporting requirements. Current users are further notified of any newly mandated pretreatment standard. LCC §22-331 requires notifications of permit applicants.

CFR §403.8(f)(2)(iv). LCC §22-347 requires period self-monitoring reports to include sampling and analysis of the Significant Industrial User's wastewater discharge. LCC§22-353 establishes the analytical standards to be utilized. LCC §22-336, a user's wastewater discharge permit must set out the self-monitoring, sampling, reporting notifications and record keeping requirements for the pollutants to be monitored.

CFR §403.8(f)(2)(v). LCC §22-354 sets out the requirements for sample collection and reporting. The Director may make random, surprise inspection of a users facility to insure compliance with pretreatment standards.

CFR §403.8(f)(2)(vi). LCC §22-318 empowers the Director to require industrial users to develop and implement an accidental discharge control plan and requires the Director to evaluate whether each Significant Industrial User needs such a plan. The Director must evaluate newly designated Significant Industrial Users within one (1) year. LCC §22-318 also mandates the minimum elements for all such plans as set out in the federal regulations.

CFR §403.8(f)(2)(vii). Various provisions of the City's Wastewater Discharge Code, to include LCC §§22-345, 22-347, 22-351, 22-354 and 22-357, collectively empower the Director to investigate and enforce against instances of noncompliance with Pretreatment Standards. In particular, LCC §22-354 empowers the Director to require monitoring necessary to assess and assure compliance, to include obtaining of samples at the Director's discretion. LCC §22-357 empowers the director with the right to enter and inspect facilities of users to determine compliance.

CFR §403.8(f)(2)(vii). LCC §22-313 sets out procedures for public participation, to include conducting public hearings for adopting new pretreatment standards and giving notice therefore by publication and mailing written notice to all known users and other interested parties. LCC §22-360 sets out the criteria for annual publication of users in significant noncompliance during the previous twelve (12) months.

Second, CFR §403.9(b)(1)(ii) requires this attorney's letter to identify the manner in which the POTW will implement the program requirements set forth in §403.8, including the means by which Pretreatment Standards will be applied to individual Industrial User.

The City of Lawton implements the requirements of its pretreatment program and applies pretreatment standards to individual users through use of a Wastewater Discharge Permit System and through direct enforcement of its Wastewater Discharge Code.

Third, CFR §403.9(b)(1)(iii) requires this attorney's letter to identify how the POTW intends to ensure compliance with Pretreatment Standards and Requirements, and to enforce them in the event of noncompliance by Industrial Users.

The City of Lawton ensures compliance with pretreatment standards and requirements through an inspection and sampling program authorized under LCC §22-357 of the Code. Those violating the approved program will be ordered to "Cease and Desist" pursuant to LCC §22-366. Violators are subject to having sanitary sewer service terminated (Section 22-369), to permit revocation (LCC §22-340), and to emergency suspension (LCC §22-368). Violators are also subject to administrative fines and civil penalties not to exceed $1,000.00 per day (LCC §§22-367 and 22-372). The City of Lawton is prepared to take court action where necessary to enforce compliance with its code, permits or orders, to include seeking injunctive relief (LCC §22-371) and criminal prosecution (LCC §22-373).

Sincerely,

Steven L. Greb
Asst. City Attorney
City of Lawton, Oklahoma

Cc: Trish Hale, Chief Chemist/IPP Coordinator WWTP

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OFFICE OF THE CITY ATTORNEY

103 Southwest Fourth Street
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March 6, 2002

Mr. Patrick King
Industrial Pretreatment Coordinator
ODEQ-Water Quality Division
707 N. Robinson P.O. Box 1677
Oklahoma City, OK 73101-1677

Re: Legal Authority, City of Lawton Code and Wastewater Pretreatment Program Modification NPDES OK0035246

Mr. King:

I am the attorney for the City of Lawton, and the following statement is submitted pursuant to the requirements contained in 40 Code of Federal Regulations (CFR) Section 403.9(b)(1) regarding legal authority for the City of Lawton's Wastewater Pretreatment Program.

It is my opinion that the City of Lawton's Wastewater Pretreatment Program has authority to carry out the program described in 40 CFR Section 403.8, based on authority granted to it by the City of Lawton's Wastewater Discharge Code (hereinafter "Code").

Pursuant to the legal authority of 40 CFR 403.8(f)(1), the City Council approved Ordinance #02-10 as an amendment to the City of Lawton's approved Code. The City of Lawton's Wastewater Discharge Code is codified in the Lawton City Code 1995, Section 22-301 et seq. The City of Lawton City Council has adopted the ordinance to provide for pretreatment requirements and to provide for enforcement procedures for violators of the offense. Pursuant to its authority and upon approval of the new ordinance #02-10 creating Section 22-310.1 by the Oklahoma Department of Environmental Quality, the code amendment will be incorporated into the Wastewater Pretreatment Program. The City of Lawton's Wastewater Pretreatment Program requires compliance with EPA's listed general prohibitions (403.5(a)(1)) and specific prohibitions (403.5(b)). New Section 22-310.1 is

developed to prohibit, either directly or indirectly, noxious or malodorous discharges from a pretreatment facility, which are sufficient to create a public nuisance or hazard to life.

The City of Lawton has implemented the requirements of its pretreatment program and is applying pretreatment standards to individual users through use of a Wastewater Discharge Permit System, and by direct enforcement of its Wastewater Discharge Code.

The City of Lawton ensures compliance with pretreatment standards and requirements through an inspection and sampling program authorized under Section 22-357 of the Code. Those violating the approved program will be ordered to "Cease and Desist" pursuant to Code Section 22-366, and are subject to having sanitary sewer service terminated (Section 22-369) and their permit revoked (Section 22-340). The City of Lawton is prepared to take court action where necessary to enforce compliance with its code, permits or orders.

Sincerely,

JOHN H. VINCENT
CITY ATTORNEY

Noxious Discharges

ORDINANCE NO. 02-10

AN ORDINANCE RELATING TO PRETREATMENT FACILITY DISCHARGES, ENACTING A NEW ORDINANCE REGULATING PRETREATMENT FACILITY DISCHARGES FOR THE PURPOSE OF PROHIBITING NOXIOUS OR MALODOROUS DISCHARGES, PROVIDING FOR CODIFICATION AND SEVERABILITY, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

Section 1. A new Section 22-3-1-310.1 is hereby added to read as follows

22-3-1-310.1 NOXIOUS OR MALODOROUS DISCHARGES.

It shall be unlawful for any person to cause or allow, either directly or indirectly, the purposeful or inadvertent discharge from a pretreatment facility any noxious or malodorous liquids, gases, solids or other wastewater which, either singularly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life.

Section 2. Codification. Section 1 of this ordinance shall be codified as Section 22-310.1, Chapter 22, Lawton City Code, 1995.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 4. Emergency. Whereas, it being immediately necessary for the preservation of the peace, health and safety of the City of Lawton and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage, as provided by law.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this 26th day of February, 2002.

Cecil E. Powell
CECIL E. POWELL, MAYOR

ATTEST:

Brenda Smith
BRENDA SMITH, CITY CLERK

APPROVED as to form and legality this 26th day of February, 2002.

JOHN H. VINCENT
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY

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February 22, 2000

Mr. Patrick King
Industrial Pretreatment Coordinator
ODEQ-Water Quality Division
707 N. Robinson P.O. Box 1677
Oklahoma City, OK 73101-1677

Re: Legal Authority, City of Lawton Code and Wastewater Pretreatment Program Revisions NPDES OK0035246

Mr. King:

I am the attorney for the City of Lawton, and the following statement is submitted pursuant to the requirements contained in 40 Code of Federal Regulations (CFR) Section 403.9(b)(1) regarding legal authority for the City of Lawton's Wastewater Pretreatment Program.

It is my opinion that the City of Lawton's Wastewater Pretreatment Program has authority to carry out the program described in 40 CFR Section 403.8, based on authority granted to it by the Wastewater Discharge Code.

The following references to the legal authority requirements of 40 CFR 403.8(f)(1) are correlated with appropriate sections of the proposed City of Lawton's Wastewater Pretreatment Code to be codified in the Lawton City Code 1995, Section 22-301 et seq (the "Code") which provides the required authority. Where the authority is not apparent from a reading of the Codified Ordinance provision, an explanation is provided.

General --Sections 22-307 through 22-310 of the Code provide that all connections of lateral or other sanitary sewer lines to the sanitary sewerage system of the POTW service area, whether within or without any city, shall be made subject to such terms and conditions as the City of Lawton Wastewater Pretreatment Program may prescribe. Pursuant to this authority and upon approval of the Wastewater Discharge Code by the Oklahoma Department of Environmental Quality, the City of Lawton City Council shall adopt said Code setting forth the terms and conditions upon which industrial users may connect to the sanitary sewer system owned and operated by the City of Lawton.

403.8(f)(l)(I) --Users who meet the criteria in Code Section 22-304(54) must first obtain a Wastewater Discharge Permit (Code Section 22-328) which may contain various conditions and prohibitions (Section 22-310). Existing industrial users (those connected to the sanitary sewer system prior to the approval of the Wastewater Discharge Code shall be required by the Director to obtain a Wastewater Discharge Permit (Section 22-328(E)). If there has been an increase or change in an industrial user's contribution to the sanitary sewer system, the discharger is required to notify the Public Works/Engineering Director to cover those changes (Section 22-348), and the Director may change the conditions of any Wastewater Discharge Permit as circumstances may require (Section 22-338). 403.8(f)(l)(ii)--In order to ensure compliance with applicable Pretreatment Standards, The City of Lawton's Industrial Pretreatment Program shall require compliance with EPA's listed general prohibitions (403.5(a)(1)), specific prohibitions (403.5(b)), local limits developed to implement the general and specific standards (403.5)(d). Code Section 22-310(B)(2) prohibits any discharge to the sanitary sewer system which will result in a nuisance, contamination or pollution of receiving waters. Section 22-310(c) prohibits conditions which violate any statute, rule, regulation or ordinance of any public agency (including EPA). Section 22-310 prohibits those discharges prohibited by EPA regulations. These three sections empower the City of Lawton's Industrial Pretreatment Program to enforce the general and specific prohibitions contained in 40 CFR pursuant to 403.5(a) and (b), they may be imposed by the Director as a permit condition pursuant to Code Section 22-314. National categorical pretreatment standards may also be imposed as a permit condition per Code Section 22-328(B), which empowers the Director to regulate discharges regulated by EPA.

403.8(f)(l)(iii)--The City of Lawton's Wastewater Pretreatment Program has control via a Wastewater Discharge permit system authorized by Code Section 22-328.

403.8(f)(1)(iv)(A)--The City of Lawton's Public Works/Engineering Director may, to remedy or avoid a violation of the Code or Wastewater Discharge Permit, require a user to develop a compliance schedule for installation of control technology under Code Section 22-345. The Director may require a compliance schedule as part of the required information under Code Section 22-331(9), as a condition of obtaining a Wastewater Discharge Permit.

403.8(f)(1)(iv)(B)--Code Section 22-347 requires a user to submit all notices and self-monitoring reports required by EPA regulations to the Director through authority granted in said Code.

403.8(f)(1)(v)--The City of Lawton's Public Works/Engineering Director may carry out inspection, surveillance and monitoring procedures under authority granted in Code Section 22-357.

403.8(f)(1)(vi)(A)--The City of Lawton's Wastewater Pretreatment Program may seek remedies for noncompliance with pretreatment standards and requirements. As a matter of general law, the City of Lawton's Wastewater Pretreatment Program may seek injunctive relief for noncompliance since any such noncompliance might result in irreparable harm to the treatment plant, to the health and safety of plant workers, and to the environment; since damages at law

would not be an adequate remedy. The Code Section 22-372 provides that violation of the code is a misdemeanor which is punishable by a fine of $1000, imprisonment, or both.

403.8(f)(1)(vi)(B)--The City of Lawton's Director may, under Code Section 22-368, temporarily suspend a Wastewater Discharge Permit or impose temporary restrictions on discharges where continued discharge would jeopardize the ability of the treatment system to meet water quality standards, threaten damage to the sanitary sewer system, or cause a nuisance or an unsafe condition to occur. Usually, a 48-hour period must pass before a suspension or restriction is effective. The waiting period may be dispensed with in emergency situations relating to public health and safety or a significant impairment of the treatment process. Code Section 22-366 requires compliance with restrictions or cessation of discharge at the effective time to such action.

403.8(f)(1)(vii)--Confidentiality requirements are provided for in Code Section 22-359, "Confidential Information."

As stated above, City of Lawton will implement the requirements of its pretreatment program and apply pretreatment standards to individual users through use of a Wastewater Discharge Permit System, and by direct enforcement of its Wastewater Discharge Code. A description of the exact procedures to be used in implementing the pretreatment program is provided in the Program Procedures portion of the City of Lawton's Wastewater Pretreatment Program.

The City of Lawton intends to ensure compliance with pretreatment standards and requirements through an inspection and sampling program authorized under Section 22-357 of the Code, which would allow for the determination of noncompliance with discharge limitations and requirements independent of information supplied by the industrial user. The inspection and sampling program is described in the Program Implementation Procedures portion of this submission.

Those violating permit conditions will be ordered to "Cease and Desist" pursuant to Code Section 22-366, and are subject to having sanitary sewer service terminated (Section 22-369) and their permit revoked (Section 22-340). The City of Lawton is prepared to take court action where necessary to enforce compliance with its code, permits or orders.

Sincerely,

JOHN H. VINCENT
CITY ATTORNEY

CITY OF LAWTON
SEWER USE ORDINANCE

ORDINANCE NO. 11-22

AN ORDINANCE RELATING TO PUBLIC HEALTH, AMENDING, UPDATING AND REVISING ARTICLE 3, CHAPTER 22, LAWTON CITY CODE, 2005, ON SEWERS, WASTEWATER TREATMENT, COMPLIANCE AND ENFORCEMENT; INCORPORATING THE PRETREATMENT STREAMLINING RULES AND OTHER RECOMMENDED CHANGES MANDATED BY OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY, ESTABLISHING NEW AND UPDATED TECHNICALLY BASED LOCAL LIMITS, CLARIFYING REQUIRED REPORTING, MODIFYING SURCHARGE LEVELS, CLARIFYING AND CORRECTING CERTAIN CODE PROVISIONS, PROVIDING FOR CODIFICATION, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

SECTION 1: Article 3, Division 1 of the Lawton City Code, 2005 is hereby amended as follows:

ARTICLE 3

DIVISION 1

GENERAL PROVISIONS

§ 22-3-1-301 – TITLE AND PURPOSE OF ARTICLE

A. This article shall be known as the City of Lawton Wastewater Discharge Code.

B. This article sets forth uniform requirements for uses of the wastewater collection and Publicly Owned Treatment Works (POTW) for the City of Lawton and enables the City of Lawton 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 403). The objectives of this article are:

1. To prevent the introduction of pollutants into the POTW that will interfere with its operation;

2. To prevent the introduction of pollutants into the POTW that 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 sludge in the course of their employment and the general public;

4. To promote reuse and recycling of industrial wastewater and sludge from

the POTW;

5. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and

6. To enable the City of Lawton to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject.

C. This ordinance shall apply to all industrial users of the POTW. The ordinance authorizes the issuance of wastewater discharge permits, provides for monitoring, compliance and enforcement activities, establishes administrative review procedures, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

§ 22-3-1-302 - ADMINISTRATION

Except as otherwise provided herein, the director of the City of Lawton public works/engineering department shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the director may be delegated by the director to other city personnel.

§ 22-3-1-303 - ABBREVIATIONS

A. The following abbreviations shall have the designated meanings:

1. "Ag"	Silver
2. "As"	Arsenic
3. "BOD"	Biochemical Oxygen Demand
4. “BMR”	Baseline Monitoring Report
5. "Cd"	Cadmium
6."Cn"	Cyanide
7. "Cr"	Chromium
8. "Cu"	Copper
9. "CFR"	Code of Federal Regulations
10. “CIU”	Categorical Industrial User

11. "COD"	Chemical Oxygen Demand
12. "EPA"	Environmental Protection Agency
13. "gpd"	gallons per day
14. "Hg"	Mercury
15. "l"	Liter
16. “IU”	Industrial User
17. "mg"	Milligrams
18. "mg/l"	milligrams per liter
19. "NH3"	Ammonia
20. “NH3-N”	Ammonia Nitrogen
21. "Ni"	Nickel
22. "NPDES"	National Pollutant Discharge Elimination System
23. "ODEQ"	Oklahoma Department of Environmental Quality
24. "Pb"	Lead
25. "Phe"	Phenol
26. "POTW"	Publicly Owned Treatment Works
27. "RCRA"	Resource Conservation and Recovery Act
28. “Se”	Selenium
29. "SIC"	Standard Industrial Classification
30. “SIU”	Significant Industrial User
31. “SNC”	Significant Noncompliance
32. SOP	Standard Operating Procedure
33. "SWDA"	Solid Waste Disposal Act, 42 U.S.C. 6901, et. Seq
34. "USC"	United States Code
35. "TSS"	Total Suspended Solids
36. "Zn"	Zinc

§ 22-3-1-304 - DEFINITIONS

A. As used in this article, unless the context specifically indicates otherwise, the following terms and phrases shall have the meanings hereinafter designated. If a term is not defined herein, the most current U.S. EPA definition shall be used.

1. "Act" or "the act" means the federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Sections 1251 et seq. 86 STAT. 816, PUB. L. 92-500;

2. "Administrative Order" means an order of the administrative officer which requires necessary acts be done and carried out to comply with the requirements of this ordinance;

3. "Approval Authority" means the Director of the Oklahoma Department of Environmental Quality;

4. "Authorized representative of industrial user" means:

   (a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

   (b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or

   (c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates;

5. "Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure; five days at twenty (20) degrees Celsius expressed in terms as a concentration in milligrams per liter (mg/l);

6. "Building drain" means 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 feet outside the inner face of the building wall;

7. "Bypass" means the intentional diversion of wastestreams from any portion of a User's facility;

8. “Categorical Industrial User” means an Industrial User subject to a categorical Pretreatment standard or categorical standards.

9. "City" means City of Lawton;

10. "Commercial user" means and includes but is not limited to a person, firm, company or corporation conducting a business of manufacturing, buying

and selling of goods, or offering a service not necessarily for monetary reimbursement, including hotels, motels, churches and schools, but excluding dwelling units;

11. "Composite sample" means a collection of individual samples obtained at regular intervals, at least every two hours by hand or every hour using an automatic sampler, during a 24 hour time span. Unless using an automatic sampler, each individual sample is combined with the others when the sample is collected. The resulting mixture forms a representative sample and is analyzed to determine the conditions during the sampling period;

12. "Cooling water" means the water discharged from any use, such as air conditioning, cooling or refrigeration, or other uses which add no significant pollutants or do not cause the temperature of the discharge to be greater than 140 degrees Fahrenheit to which the only pollutant added is heat;

13. "Control authority" means the "Director" of the POTW;

14. "Department" means the public works/engineering department of the City of Lawton;

15. "Direct discharge" means the discharge of treated or untreated wastewater directly to the waters of the state;

16. "Director" means the director of the public works/engineering department of the City of Lawton and its designated representatives;

17. "Disabled person" means an adult person having a physical or mental impairment which prevents gainful employment for one year or longer, and has documentation of such an impairment from a recognized agency (Social Security, Veterans Administration, Civil Service), private insurance company, pension fund or other documentation acceptable to the director of finance;

18. "Disposal, disposing or dispose" means the receiving, depositing, or disposing of wastewater from any facility to a final treatment or processing facility;

19. "Domestic waste" means used water and solids generated from household or humans;

20. "Engineer" means the director of the public works/engineering department of the City of Lawton or his duly authorized representative;

21. “Environmental Protection Agency" or "EPA" means the U. S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized officials of the agency;

22. "Existing Source," means any source of discharge, the construction or operation of which commenced prior to the publication by EPA categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act;

23. "Grab sample" means a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes;

24. "Holding tank waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks;

25. "Indirect discharge" means the introduction of pollutants, including holding tank waste, into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act (33 U.S.C. 1317);

26. "Industrial Septage" means an indirect discharge of non-domestic liquid or solid material removed from any container and having relation to commercial refuse;

27. "Industrial User" or "User" means a source of non-domestic indirect discharge;

28. "Interference" means the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW;

29. "Maximum Allowable Discharge Limit" means the instantaneous, maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete, grab or composite sample collected independent of the industrial flow rate and the duration of the sampling event;

30. "Medical waste" means the isolation waste, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes;

31. "Multi-dwelling unit" means a building or portion thereof containing more than four dwelling units;

32. "National pollution discharge elimination system" or "NPDES permit" means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342);

33. "National prohibitive discharge standard" or "prohibitive discharge standard" means any regulation developed under the authority of Section 307(b) of the Act and 40 CFR, Section 403.5;

34. "Natural outlet" means any outlet into any watercourse, pond, ditch, lake or other body of surface water or groundwater;

35. "New source" means:

    (a) Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the act which will be applicable to such source if such standards are thereafter 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 of 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 in (2) or (3) 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 onsite construction program:

(a) Any placement, assembly, or installation of facilities or equipment; or

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

(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;

36. "Non-contact cooling water" means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product;

37. "ODEQ" means Oklahoma Department of Environmental Quality;

38. "Pass Through" means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

39. "Person" means 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. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context;

40. "pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution;

41. "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural wastes discharged into water;

42. "Pollution" means the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water;

43. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in waste water prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d);

44. "Pretreatment Facility" or "Pretreatment Facilities" means any facility, interceptor, separator, or receptacle which is required by any provision of either this article or the approved Plumbing Code for the city;

45. "Pretreatment requirements" means any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on a User;

46. "Pretreatment Standards" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act, which applies to a specific category of users. This

term includes prohibitive discharge limits pursuant to 40 CFR 403.5, prohibited discharge standards, categorical pretreatment standards and local limits;

47. "Public sewer" means a sewer in which all owners of abutting properties have equal rights and is controlled, operated and maintained by the city; the same being an integral part of the POTW;

48. "Publicly Owned Treatment Works (POTW)" means a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons, outside the city who are, by Contract or agreement with the city, users of the city's POTW;

49. "POTW treatment plant" means that portion of the POTW designed to provide treatment to wastewater;

50. "Septic Tank Waste" means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks;

51. "Sewage" means waste water produced from residences, business buildings, institutions and industrial establishments, together with such ground waters, surface waters and storm waters as may be present;

52. "Sewage system" means all facilities for collecting, pumping, treating and disposing of sewage, whether owned by the city or not, including the POTW;

53. "Service line" or "house service line" means that portion of a sewer extending from the building drain to the public sewer, and the operation and maintenance of such portion of the sewer shall be the responsibility of the user; further, the term "service line" or "house service line" shall be synonymous with the term "building sewer" herein above set forth;

54. "Sewer" means a pipe or conduit for carrying sewage;

55. "Significant Industrial User" means:

    (a) A user subject to categorical pretreatment standards; or

(b) A user that:

(1) Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blow-down wastewater);

(2) Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(3) Is designated as such by the City of Lawton on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement;

(c) Upon a finding that a user meeting the criteria in Subsection (b) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to an application received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user;

56. "Slug load" means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 22-3-2-310 of this article or any discharge of a non-routine episodic nature including but not limited to, an accidental spill or a non-customary batch discharge;

57. "Standard industrial classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972;

58. "Storm sewer" or "storm drain" means a pipe which carries storm waters and surface water and drainage, but excludes sewage, wastewater and polluted industrial wastes;

59. "Storm water" means rain or snow runoff that comes into contact with an industrial facility or is contaminated by overburden, raw material, products, or wastes, whether the water is intentionally channeled or collected. Stormwater also may be defined as surface runoff, street wash waters related to street cleaning or maintenance, infiltration (other than

infiltration contaminated by seepage from sanitary sewers or by other discharges), and snow melt;

60. "Surcharge" means a charge induced by the POTW to users or holding tank waste haulers for exceeding local limits, for discharging into the sewer system or for any services rendered;

61. "Suspended solids" means matter that either floats on the surface of or is suspended in water, wastewater, sewage or other liquids, and which are removable by laboratory filtering;

62. "Transport", "transporting" or "transportation" means transporting, hauling, moving, or otherwise removal of wastewater from a pretreatment facility or septic tank;

63. "Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provision of CWA 307(a) or other acts;

64. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards due to factors beyond the reasonable control of the industrial user;

65. "User" or "user of the sanitary sewage system" means any person, industrial or otherwise, non-domestic, who contributes, causes or permits the contribution of wastewater into the city's POTW; and further the term "user" or "user of the sanitary sewage system" also means any person receiving city water service and who has a connection with the city's sewer sanitary sewage system, or, in the case where a private water supply is used, the proprietor of the location having the sewer connection;

66. "Wastestream" means the effluent from a user once it enters the POTW;

67. "Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW including grease and sludge;

68. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently; and

69. "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, that flow through or border upon the state or any portion thereof.

C. Other terms and words not specifically defined but used herein shall have their usual and ordinary meanings unless otherwise specifically defined in ordinances of the city.

D. "Shall" is mandatory and "may" is permissive or discretionary.

DIVISION 2

§ 22-3-2-307 – CONNECTION TO SEWER SYSTEM AND CONSTRUCTION REQUIREMENTS FOR BUILDING SANITARY SEWERS – PERMIT REQUIRED

No person shall occupy or permit to be occupied any building or residence or commercial business, or industrial building, located in the city within two hundred (200) feet of any available sanitary sewer unless the same shall be equipped with a facility attached to the sanitary sewer.

A. The minimum construction requirements for sanitary sewers as approved by the public works/engineering director and adopted by the council as minimum standard specifications for general construction requirements for sewers and sewer appurtenances shall be in force and effect and shall apply to all sanitary sewers constructed within the city or intended to be connected to the sanitary sewer system of the city.

B. No person or other municipality shall let a contract or contract for, or commence the construction of, any sanitary sewer system, extensions or sewage facilities, either in whole or in part, or place or permit to be placed or discharged or permit to flow into the existing city sanitary system any sewage, unless the person or other municipality has first obtained a written permit. Application for permission to connect to the city sewer facilities shall be supplemented by complete plans, specifications, engineering reports and other information as are deemed necessary by the city and the Oklahoma Department of Environmental Quality (ODEQ). These copies of the plans, specifications, engineering report and other pertinent information shall be forwarded by the city to ODEQ for review, approval and issuance of a permit for the construction as required by state law.

C. Private entities repairing private sewage facilities connected to the city sewage facilities at the point of connection to the city sewage facility are required to excavate the city main, provide a safe working area around the point of connection and leave the private sewer service riser in tact for inspection of the

service connection at the city sewer main. Before commencing any further excavation of the private sewage facility at the point of connection to the city sewer main, the private entity will contact the city wastewater division providing the name of the private entity and site location. Before continuing to excavate or make any repairs to the point of connection to the private sewage facility and the city sewer main, a representative of the wastewater division must be present to take pictures and determine if repairs are needed to the city sewer main. Failure to follow the outlined procedures for inspection may relieve the city of responsibility for repairs and shall create a presumption that damage, if any, to the city sewer main was caused by the excavation of the city sewer main by the private entity. Any repair made to the city sewer main due to the negligence of the private entity will be billed to that private entity.

§ 22-3-2-308 – PROHIBITED CONNECTIONS – RESPONSIBILITY OF PROPERTY OWNERS

A. To minimize groundwater infiltration and inflow to the public sewer system that may overload and inhibit wastewater treatment, the city hereby requires that all property owners utilizing the city sanitary sewer system be responsible for the maintenance of all connections, lines and fixtures in a manner sufficiently watertight so as not to allow, and cause such to be, leakage out of or seepage into said connections, lines and fixtures from the place of discharge to the place of connection to the publicly owned sewage system main. At the discretion of the director, such connections, lines and fixtures shall be subject to inspection and testing by the city.

B. No person shall make connection of roof downspouts or leaders, interior or exterior foundation drains, cleanouts, sump pumps, cellar, yard, area drains, cooling water discharges, drains from springs or swampy areas or other sources of surface, storm or ground water to a structure drain which is connected, whether directly or indirectly, to the city sanitary sewer system.

C. The director may issue a disconnect order directing the owner of the real estate or structure to disconnect private infiltration or inflow waters from the sanitary sewer system. The order shall be in full force and effect not less than thirty (30) days from it's date of issuance unless the infiltration or inflow waters are found to contain pollutants which could adversely affect the POTW, in which case the director may issue an order for immediate disconnect. The order may state a deadline for compliance which may not be more than three months after issuance of the order.

D. The director may order the termination of sanitary sewer and/or water service to any real estate or structure if the owner has refused to allow access and entry or has failed or refused to comply with the disconnect order requiring that the private

infiltration or inflow waters be prevented from entering the sanitary sewer system. The termination shall be effective thirty (30) days after notice to the owner. Notice of the order shall be in person or by restricted delivery mail.

E. Sanitary sewer service disconnected under the provisions of this ordinance shall not be reconnected until sources of infiltration or inflow have been disconnected. The cost of the disconnection and reconnection shall be the responsibility of the owner of the real estate.

F. If the property owner is unable or refuses to comply with the said Disconnect or Compliance Order, the city may, at the discretion of the director, contract with a plumbing contractor of the city's choice to make the required repair/replacement/ disconnection to remove the infiltration and inflow source. The cost of the abatement may include but is not limited to; repair of the defect, repair of streets, alleys, curbs, parking and all administrative costs. The cost of such action will be filed as a lien on the property. Late fee penalties may also apply. A payment schedule may be developed between the owner and the city.

G. Representatives of the director shall have the right to make an inspection of any parcel of real estate and/or structure for the purpose of determining compliance with this ordinance. Inspections shall be done at a reasonable hour of the day.

H. If the structure or real estate to be inspected is occupied, the representative shall first present proper credentials and request entry. If the structure or real estate is unoccupied, the representative shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the structure or real estate and request entry.

I. The appeal procedure set out in Section 22-337 shall apply to the notice and order as applied in this section.

§ 22-3-2-309 – PRIVATE SEWAGE DISPOSAL CONNECTION CONSTRUCTION STANDARDS WHEN PUBLIC SEWER IS NOT AVAILABLE

A. When a public sanitary sewer is not available under the provisions of Section 22-307 of this article, the house service line shall be connected to a private sewage disposal system complying with the provisions of this article and statutes of the state of Oklahoma.

B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the health officer. The application for such permit shall be supplemented by plans and specifications and any other information deemed necessary by the health officer.

C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the health officer. The applicant for the permit shall notify the health officer when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the health officer.

D. The type, capacities, construction specifications, location and layout of a private sewage disposal system shall comply with all recommendations of ODEQ. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than fifteen thousand (15,000) square feet.

E. No septic tank shall be permitted to discharge to any public sewer or natural outlet.

F. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided herein, a direct connection shall be made to the public sewer in compliance with this article. Any septic tank and similar private sewage disposal facilities shall be abandoned removed or filled with suitable material.

G. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the city.

H. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer.

I. Except as herein provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

J. No person shall discharge any regulated pollutant into a storm sewer or water course unless an NPDES permit has been obtained from ODEQ.

§ 22-3-2-310 – PROHIBITED DISCHARGES

A. No user shall discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sanitary sewage, industrial wastes or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this article and 40 CFR 403.5.

B. For purposes of this section, "suitable treatment" shall be defined as that which will:

1. Prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of this system or contaminate the resulting sludge;

2. Prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters of the atmosphere or otherwise be incompatible with the system;

3. Improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

4. Provide for the equitable distribution of the costs of the municipal wastewater system.

C. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national, state or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

1. Any liquids, solids or gases which, by reason of their nature or quantity, are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the city, ODEQ or the EPA has notified the user is a fire hazard or a hazard to the system, discharge of pollutants which create a fire or explosion hazard in the POTW including, but not limited to, wastestream with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees centigrade using the test method specified in 40 CFR 261.21;

2. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment

facilities, such as but not limited to grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes, petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amount that will cause interference or pass through;

3. Any waste water having a pH of less than 6.0 su or above 9.0 su unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW;

4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act;

5. 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 or hazard to life, or are sufficient to prevent entry into the sewers for maintenance and repair;

6. Any substance which may cause the POTWs effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used;

7. Any substance which will cause the POTW to violate its NPDES or State Disposal System permit or the receiving water quality standards;

8. Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye wastes and vegetable tanning

solutions;

9. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 104 F (40C);

10. Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will either singly or by interaction with other pollutants will cause interference to the POTW;

11. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations; and

12. Any wastewater which causes a hazard to human life or creates a public nuisance;

13. Trucked or hauled pollutants except at discharge points designated by the director or his designee;

14. Hospitals, clinics, offices of medical doctors, convalescent homes and medical laboratories shall dispose of laboratory pathological wastes, contaminated surgical operating room wastes or contaminated delivery room wastes in accordance with guidelines from the center for disease control for "safe disposal of solid wastes from hospitals; any wastes from the above sources which contain toxic biological contamination which are not addressed by the above guidelines shall not be discharged to the public sewer;

15. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that could be discharged to the POTW;

16. Storm water, unpolluted drainage, cooling water or unpolluted process waters that are discharged to such sewers that are specifically designated as storm sewers or to a natural outlet must be permitted by the EPA;

17. 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;

18. Any pass-through where a user allows a discharge of a pollutant without pretreatment which is in violation of its permit and with a loading in excess of that allowed by federal, state or local limits;

D. When the director determines that a user(s) is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the director shall:

1. Advise the user(s) of the impact of the contribution on the POTW; and

2. Develop effluent limitation(s) for such user(s) to correct the interference with the POTW.

§ 22-3-2-310.1 – NOXIOUS OR MALODOROUS DISCHARGES

It shall be unlawful for any person to cause or allow, either directly or indirectly, the purposeful or inadvertent discharge from a facility any noxious or malodorous liquids, gases, solids or other wastewater which, either singularly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life

§ 22-3-2-311 – NATIONAL CATEGORICAL PRETREATMENT STANDARDS

A. The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

1. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6 (c).

2. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6 (e).

3. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

4. A user may obtain a net gross adjustment to a categorical standard in

accordance with 40 CFR 403.15.

B. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The director shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

C. In the event new or revised federal categorical pretreatment standards are mandated and promulgated by the EPA, the director will analyze such standards and determine which users are affected thereby. After the director makes such determination, the affected users shall be notified in writing.

D. After receipt of the notice provided in subsection C of this section, any user may contest the determination of the director by addressing a letter of protest to the director within ten (10) calendar days from the date such notice is received. The director, after receipt of the protest, shall review the new standard and respond, in writing, to the protest within thirty (30) calendar days from the receipt of the protest. During this thirty-day period, the city attorney shall also render his written opinion as to whether the director has made his determination in accordance with applicable federal, state and local laws. If, after the completion of this review, the director issues a determination that the new or revised pretreatment standards are applicable to the protesting user, any additional protest must be submitted to a court of competent jurisdiction by the affected user.

§ 22-3-2-312 – STATE PRETREATMENT STANDARDS

ODEQ requirements and limitations on discharges shall apply in accordance with NPDES standards and EPA 40 CFR 403.10 and any other standards set forth by the State of Oklahoma.

§ 22-3-2-313 – LOCAL LIMITS, RIGHT OF REVISION

A. The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives of suitable treatment as defined in Section 22-310 of this article.

B. The city has the authority to establish pretreatment and effluent discharge standards on its own initiative. In the event new pretreatment or discharge standards, solely initiated and adopted by the city, or revisions to existing city standards, are considered, a public hearing shall be held before the city council

prior to the adoption thereof. Notice of such hearing shall be published at least fifteen (15) days prior to the hearing, in a legal publication of general circulation within the city. In addition, all known users and other interested parties affected by the proposed standards shall be mailed written notice of the public hearing. Comments and suggestions received at the public hearing shall be considered during the preparation of the city's final pretreatment standards.

C. The following uniform concentration pollutant limits have been developed as required in 40 CFR 403.5 (c) (1) and are established to protect against passthrough and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits:

0.11 mg/l Arsenic	0.20 mg/l Silver	9.0 su upper Ph
0.01 mg/l Cadmium	1.10 mg/l Zinc	6.0 su lower pH
1.01 mg/l Chromium	0.11 mg/l Cyanide	993 mg/L BOD*
0.68 mg/l Copper	75.0 mg/l Phenol	777 mg/L TSS*
0.08 mg/l Lead	400 mg/l Fat, Oil and Grease*	0.98 mg/l Molybdenum
<0.0002 mg/l Mercury	32.13 mg/l Ammonia*	
0.67 mg/l Nickel	1046 mg/l Chloride	
0.07 mg/l Selenium	0.04 mg/l Dichlorobromomethane	

* Surcharge levels also apply

D. The above limits apply to all users who demonstrate a discharge of pollutants at the point where the wastewater is discharged to the POTW and are uniform for all users. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Director may impose mass limitations in addition to, or in place of, the concentration based limitations above. Septic waste haulers that are permitted by the city to discharge into the POTW shall be exempt from Ammonia, BOD, FOG and TSS local limits; dumping fees and surcharges apply in accordance with section 22-3-13-382 and 22-3-13-383.

E. Surcharges shall be administered in accordance with section 22-3-13-383 for the discharge of Ammonia, BOD, biodegradable Oil and Grease, and TSS in excess of surcharge levels stated in section 22-3-13-383.

§ 22-3-2-314 – APPLICABLE LIMITS

Federal, state or local limits, whichever is more stringent shall apply.

§ 22-3-2-315 – DILUTING DISCHARGES

No user shall ever increase the use of process water or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The director may impose mass limitations on users who are using dilution to meet applicable standards or requirements or in other cases when the imposition of mass limitations is appropriate.

DIVISION 3

PRETREATMENT OF WASTEWATER

§ 22-3-3-316 – PRETREATMENT REQUIRED

Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in this ordinance within the time limitations specified by EPA, ODEQ, or the Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this article.

§ 22-3-3-317 - INTERCEPTORS/TRAPS

A. Grease and oil interceptors are necessary for the proper handling of liquid biodegradable emulsified oil and grease. Excessive amounts of biodegradable oil and grease are harmful to the drainage system, the public sewer or sewage treatment plant process.

1. All interceptors and grease traps shall be of a type and capacity as defined in the most current approved plumbing code to include a sampling point downstream of the trap, etc. and shall be capable of producing an effluent free of oil and grease in concentration of 200 mg/l or less. All interceptors shall be located so as to be readily and easily accessible for cleaning and inspection. The establishment’s owner shall have a representative of the establishment to accompany the City Inspector and to open the owner's grease trap. Such interceptors shall be properly inspected by the City following construction and be maintained by the owner, at the owner's expense, in continuous efficient operation at all times. Inspection of the grease trap and/or sampling of the effluent shall take place randomly according to the most current grease trap inspection standard operating procedure (SOP) and/or sampling standard operating procedure (SOP). The establishment shall provide an adequate sampling site representative of the outfall of the grease trap.

2. A grease interceptor shall be installed in the waste line leading from sinks, drains or other fixtures in the following existing establishments: Restaurants, hotel kitchens, cafeterias, drive-ins, food processing establishments, schools, or any bar, lounge, private club or fountain where food is prepared or served, or where dishes, glasses, pots, pans or other kitchen wares are washed, or any other establishment where grease or broken glass can be introduced into the drainage system in quantities that can effect line stoppage or hinder sewage disposal. Any new kitchen built in one of the above establishments after January 2001 (remodel and/or new construction) shall be required to install a grease trap/interceptor detached and separate from the dishwasher. The Director may allow the dishwasher to be connected to the grease trap under specific circumstances. The Director shall have the authority to require installation of a separate grease trap/interceptor for dishwasher discharges. The water coming through the grease trap/interceptor shall not exceed 85 F. The Director shall have the authority to require installation of a trap/interceptor in any new and/or existing establishment when, in the Director's opinion, one is required based on evidence that the establishment is contributing grease into the city's sewer mains in excess of 200 mg/l that could cause line stoppage or any quantity that could hinder sewage disposal.

3. An establishment required by this section to install pretreatment facilities is charged with the responsibility of maintaining said equipment in proper working order. Failure of the establishment to properly operate the facility shall be considered a violation under this ordinance. Violations will be issued according to the most current Grease Trap Violation SOP. The use of hot water, chemicals, other agents or devices for the purpose of causing the oil, grease or sand to pass through the interceptor, separator, and/or pretreatment facility so provided is hereby prohibited. The use of additives is allowed under the following conditions:

    (a) The establishment owner contacts the vendor and pretreatment coordinator to set up a meeting to discuss the program requirements and monitoring of grease from this establishment.

    (b) A pilot study be set up for ninety (90) days with the use of the additive the establishment is requesting to use. The establishment shall be sampled monthly to monitor the effluent for limit compliance. The ninety (90) pilot will be conducted during summer and winter months to compensate for the affect that water temperature changes have on the grease. All expenses related to the pilot study are the responsibility of the establishment.

    (c) A letter of approval by the city be issued to the establishment when, at the end of ninety (90) days all inspections during the pilot have proven that the additive does work properly for this establishment and is acceptable by the city as a means of grease maintenance.

All requests for the use of additives as grease maintenance will be reviewed and handled on a case-by-case basis. The responsibility of grease maintenance lies solely upon the owner of each establishment and the decision to allow additives for the requesting establishment lies solely upon the Director or his authorized designee after the pilot has been performed.

4. All garages, filling stations and car washes having car wash racks or facilities shall install combination grit and grease interceptors.

5. All commercial laundries shall be equipped with an interceptor having a removable wire basket or similar device that will prevent strings, rags, buttons or other materials detrimental to the public sewage system from passing into the drainage system.

6. Bottling plants shall discharge all process wastes into an interceptor which will provide for the separation of broken glass or other solids before discharging liquid wastes into the drainage system.

7. Slaughterhouses shall equip all slaughtering room drains with a separator which shall prevent the discharge of feathers, entrails and other material likely to clog the drainage system.

§ 22-3-3-318 – ACCIDENTAL DISCHARGES—SLUG CONTROL PLAN

A. The Director may require an industrial user to develop and implement an accidental discharge control plan. The Director shall evaluate whether each Significant Industrial User needs a plan or other action to control Slug Discharges. For Industrial Users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional Significant Industrial Users must be evaluated within one (1) year of being designated a Significant Industrial User. For purposes of this article, a Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or permit conditions. The results of such activities shall be available to the Director upon request. Significant Industrial Users are required to notify the POTW immediately of any changes at its facility affecting potential for a Slug Discharge. The user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and

operating procedures to provide this protection shall be submitted to the city for review and shall be approved by the city before construction of the facility. Existing users, who the Director requires to provide an accidental discharge plan, shall complete such a plan within thirty (30) days of the date the Director requires the user to provide the plan. No user who commences contribution to the POTW shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

B. Within five days following an accidental discharge, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.

C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a accidental discharge. Employers shall ensure that all employees who may cause or suffer such a accidental discharge to occur are advised of the emergency notification procedure.

D. Each user is required to notify the director of any potential problem, significant changes to the user's operation or system that might alter the nature, quality, or volume of its wastewater.

E. The Director may require any user to develop, submit for approval, and implement a slug control plan. Alternatively, the Director may develop such a plan for any user. Any user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges;

2. Description of stored chemicals.

3. Procedures for immediately notifying the Director of any accidental or slug discharge, as required by this ordinance. Such notification must also be given for

any discharge which would violate any of the prohibited discharges in section 22-3-2-310 of this article.; and

4. Procedures to prevent adverse impact from any 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 runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

§ 22-3-3-319 – HAULED WASTEWATER

A. Hauled wastewater and septic waste may be accepted into the POTW at a designated receiving point within the POTW area, and at such times as are established by the Director, provided such wastes do not violate Sections 22-3-2-310 or 22-3-2-313 of this article or any other requirements established or adopted by the city. No person shall make use of a manhole other than designated by the Director without first contacting the city. Wastewater discharge permits for individual vehicles to haul within the city shall be issued by License and Permits Division and wastewater discharge permits to use the POTW facility for dumping shall be issued by the Director of Public Works/Engineering, their designee or the Wastewater Treatment Plant authorized signatory.

B. The discharge of hauled industrial wastes as "industrial septage" requires prior approval and a wastewater discharge permit from the city. The Director shall have authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operation. The Director may collect samples of each hauled load to ensure compliance with applicable standards. Waste haulers are subject to all other sections of this article.

C. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, name and address of sources of waste, volume and characteristics of waste, The form shall identify the type of industry, known or suspected waste constituents and whether any wastes are RCRA hazardous wastes.

D. Fees for dumping septage and surcharges which septic tank haulers are subject to will be established as part of the fee schedule.

§ 22-3-3-320 – FRAUD AND FALSE STATEMENTS

Any statement concerning pretreatment of wastewater, whether to reveal pretreatment processes or data representing wastewater treated by such processes, found

to be false or where fraud exists for the purpose of misrepresenting any information about the pretreatment of wastewater, found to be inaccurate are subject to the provisions of 18 U.S.C. Section 1001 relating to fraud and false statements, Sections 309(c)(4) of the act governing false statements, representation or certification, and Section 309(c)(6) of the Act regarding responsible corporate officers and the provisions provided in Section 22-3-6-340, 22-3-10-367, 22-3-10-369, 22-3-11-372 and 22-3-11-373 of this article.

DIVISION 4

TRANSPORTATION AND STORAGE RECEPTACLES

§ 22-3-4-322 – TRANSPORTATION / STORAGE REGULATIONS

1. All equipment and vehicles operated by or utilized to transport or dispose of wastewater must meet the applicable State equipment and vehicle standards.

2. No person shall transport hazardous wastewater; non-hazardous wastewater from pretreatment facilities; or wastewater from a septic tank in the same receptacle at the same time.

3. Any Person who engages in the removal or transportation of wastewater from pretreatment facilities or septic tanks, must first procure a permit from the city upon payment of the fee as provided in the fee schedule.

4. The disposal of wastewater from a pretreatment facility, other than as provided by this article, is expressly prohibited and shall be a violation by both the user and the transporter.

5. Any wastewater which does not meet the standards of this article for discharge into the city's sanitary sewer system must meet applicable state requirements for transportation and disposal and must be disposed at an approved disposal facility.

6. Any person who engages in the disposal and transport of wastewater from pretreatment facilities and septic tanks must have all requisite state licenses and registrations. Owners and operators of disposal sites shall comply with all federal, state and local regulations and requirements.

7. A licensed plumber or a permit holder may pump non-hazardous wastewater from a pretreatment facility into a metal drum during maintenance of said facility. However, such temporary storage for said purpose may not exceed seventy-two

(72) hours. All wastewater removed from the pretreatment facility for this purpose be returned to the facility or disposed of in accordance with the provisions of this article.

8. Should a user assume the responsibility for servicing its wastewater pretreatment facilities or for removing, transporting or disposing of its wastewater from its pretreatment facilities, the user shall so state in a letter delivered to the director prior to performing any such service.

9. No user shall service or permit any person to serve its wastewater pretreatment facilities or to remove or transport wastewater there from without a current valid permit.

§ 22-3-4-323 – RECORD KEEPING MANIFESTS AND FORMS

1 . Persons involved in the transporting of wastewater from septic tanks or in the discharging, generating, transporting or disposal of wastewater from a pretreatment facility ~~or~~ shall cooperate and participate in the manifesting and tracking of wastewater from the pretreatment facility or septic tank. The handling and disposition of wastewater shall be tracked and manifested from the pretreatment facility of origin to a final disposal site.

2. The department shall promulgate and generate all forms pursuant to this article for haulers permitted by the POTW. Forms are available at the POTW Plant in the industrial pretreatment section upon payment of the fees and required deposits as established in the Fee schedule. The permit holder must utilize forms promulgated by the Director. Non-permitted haulers and permitted haulers that do not utilize the POTW for final disposal must provide manifests at their own expense. The forms must be approved by the Director.

3. The appropriate manifest forms shall be kept and made readily and immediately available by the transporter to the Director or any of the aforementioned public entities upon request.

4. The transporter shall maintain the appropriate records and manifests for a minimum of three years.

5. Failure of the user to maintain or provide manifests of the service contracts as required shall be grounds to terminate wastewater and water service; to suspend, revoke, or deny renewal of any permit issued pursuant to this article; and such other enforcement penalty as provided in this article for violation of any provision.

6. The user shall permit the city to inspect its pretreatment facilities and service manifests upon request.

7. All establishments using a pumping service to clean grease traps/interceptors must produce, upon request of the city Inspector, a copy of the manifest as proof of service.

8. All machine shops and garages that have waste haulers transport used motor oil/fluids must produce, upon request of the City Inspector, a copy of the manifest as proof of service/disposal.

§ 22-3-4-324 – TRANSPORTATION MANIFEST FOR USERS

1. Any user required by this article to have wastewater pretreatment facilities and any person permitted to provide transportation of wastewater hereunder shall keep a transportation manifest for all wastewater transported from a pretreatment facility or septic tank. The manifest shall include:

   (a) The name and identification of the user;

   (b) The address of the user;

   (c) The date and hour of pick-up,

   (d) The volume of wastewater, if any, removed from the pretreatment facility or septic tank;

   (e) The name and permit number of the transporter;

   (f) The authorizing signature of the user;

   (g) The date and hour of disposal;

   (h) The name and address of the disposal site; and

   (i) The authorizing signature of the transporter and the operator of the disposal site.

2. The manifest shall have an original and four copies. The transporter shall provide the user the original copy of the manifest. He shall keep one copy for his records. The transporter shall provide the operator of the disposal site one copy of the

manifest. The transporter shall then mail one copy of the manifest to the user and one copy of the manifest to the city within one month of the pick-up date, signed by the operator of the disposal site. Failure of the transporter to maintain or provide such disposal manifests shall be a violation of this code. Acceptance of wastewater at a disposal site owned by the city or otherwise located in the city without a copy of the transport manifest shall be a violation of this Article.

§ 22-3-4-325 – INSPECTION OF WASTEWATER SOURCE OR SITE

Should any person request the assistance of the city in determining the nature of waste or wastewater to be removed from a source or site in the city for removal, transportation or disposal, in accordance with this article, the director may inspect the source or site and witness the sampling of said waste or wastewater. The requesting person shall pay such inspection fees as established in the fee schedule. Provided, however, any costs of testing or analysis of said waste or wastewater shall be borne by the user.

§ 22-3-4-326 – PERMIT AND SECURITY DEPOSIT

1. Every applicant for a wastewater transporter permit, or for renewal of said permit, shall be required to make application on forms provided by the director and pay the appropriate fee and shall be required to maintain a security deposit with the city as a precondition to issuance, reissuance or renewal of the wastewater transporter permit. The amount of the permit fee and the security deposit shall be as provided in the Fee Schedule.

2. The holder of the wastewater transporter permit shall be entitled to the return of their deposit, or the remainder thereof not applied as provided in this section, without interest, upon request, after the holder has surrendered his permit or allowed his permit to expire and after payment of all outstanding fees, surcharges, and any interest or late charges thereon due for septic and/or waste materials discharged by the holder while engaging in business under the permit.

DIVISION 5

WASTEWATER DISCHARGE PERMITS

§ 22-3-5-327 -- WASTEWATER DISCHARGE PERMIT APPLICATION

The director has the authority to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit.

§ 22-3-5-328 -- WASTEWATER DISCHARGE PERMIT REQUIREMENT

A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit, unless the director grants discharge continuance for a specified time period stated in an application submitted by a significant industrial user.

B. Any wastewater discharge permits issued hereunder to significant industrial users who are subject to or who become subject to a National Categorical Pretreatment Standard shall be conditioned upon all applicable substantive and procedural requirements promulgated by the EPA or ODEQ.

C. All significant industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the municipal wastewater collection and treatment system.

D. All existing significant industrial users connected to or contributing to the POTW shall obtain a wastewater discharge permit. Any existing significant industrial user or new significant industrial user who does not obtain a wastewater discharge permit or whose wastewater discharge permit has been revoked pursuant to the provisions of this chapter shall be disconnected from the POTW.

E. Industrial users required to obtain a wastewater discharge permit shall complete and file with the city an application in the form prescribed by the city. A fee will be charged for the original permits, and another fee will be charged for renewals and/or modified permits. The fee shall be as provided in the Fee Schedule.

§ 22-3-5-329 – WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS

Significant industrial users or other users as defined in this article shall obtain applications from the director. Users subject to the National Categorical Pretreatment Standards shall also submit a report containing the following information:

1. All information required by Section 22-344 of this article;

2. Description of activities, facilities, 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 into the POTW;

3. Number and type of employees, hours of operation, and proposed or actual hours of operation;

4. Each product produced by type, amount, process or processes, and rate of production;

5. Type and amount of raw materials processed (average and maximum per day);

6. 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;

7. Time and duration of discharges;

8. Any other information as deemed necessary by the director to evaluate the wastewater discharge permit application; and

9. Data accuracy certification statement.

§ 22-3-5-330 – INCOMPLETE APPLICATIONS

The director will act only on applications that are complete and that are accompanied by a complete report. Persons who have filed incomplete applications will be notified by the Director of the nature of the deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days, the Director shall deny the application for the wastewater discharge permit and notify the applicant in writing of such action.

§ 22-3-5-331 - EVALUATION OF APPLICATIONS

Within thirty (30) days of receipt of complete applications, the director shall review and evaluate the applications and shall propose such other special wastewater discharge permit conditions as he deems advisable. All wastewater discharge permits shall be expressly subject to all the provisions of this ordinance and all other applicable ordinances, laws, or regulations. The director may also propose that the wastewater discharge permit be subject to one or more permit conditions in regard to any of the following:

1. Pretreatment requirements;

2. The average and maximum waste-water constituents and characteristics;

3. Limits on rate and time of discharge or requirements for flow regulations and equalization;

4. Requirements for installation of control manhole(s), control sanitary cleanout(s), and appurtenance(s);

5. Specifications for monitoring programs which may include sampling locations,

frequency and method of sampling, types and standards for tests and reporting schedule;

6. Requirements for submission of technical reports or discharge reports;

7. Requirements for maintaining records relating to wastewater discharges;

8. Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants are proposed or present in the user's wastewater discharge;

9. A compliance schedule pursuant to Section 22-345 of this article;

10. Requirements for the installation of facilities to prevent and control accidental discharge or "spills" at the user's premises;

11. Other conditions deemed appropriate by the director to insure compliance with this ordinance.

§ 22-3-5-332 - APPLICATION SIGNATORIES AND CERTIFICATION

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

"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."

DIVISION 6

WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

§ 22-3-6-335 – WASTEWATER DISCHARGE PERMIT DURATION

Wastewater discharge permits shall be issued for a maximum period of five years. Users subject to National Categorical Pretreatment Standards shall apply for renewed permits not more than ninety (90) days and not less than thirty (30) days prior to the expiration of the current permit. Limitations or conditions of a wastewater discharge permit are subject to modification or change as such changes may become necessary due

to changes in applicable standards, in the city's NPDES Permit, in other applicable law or regulation, or for other good cause as determined by the director. Should such changes be necessary, a new permit will be issued which shall supersede the previous permit and be subject to the same thirty (30) day opportunity for comment. Any change or new condition in a permit shall include a schedule for compliance. The user may appeal the decision of the director in regard to any changed permit conditions as provided in Section 22-3-6-337 of this article.

§ 22-3-6-336 – WASTEWATER DISCHARGE PERMIT CONTENTS

A. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Director 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. Wastewater discharge permits must contain the following conditions:

1. Wastewater discharge permit shall be issued for a time period not to exceed five (5) years;

2. Wastewater discharged permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, a new user, or for a different premises;

3. The permit shall include the limitation of known and suspected pollutants and the specific pollutants listed in Section 22-383 that will incur a quarterly surcharge for exceeding those limits;

4. The permit shall contain the self-monitoring, sampling, reporting notification and record keeping requirements. The identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

5. The permit shall include manifest requirements for hauling of waste materials; and

6. Any user which has violated or continues to violate the ordinance, any order or wastewater discharge permit hereunder, or any other pretreatment standard or requirement may both be civilly and criminally liable for the penalties as set out in this article, penalties shall accrue for each day during the period of the violation.

7. A requirement to control slug discharge if determined necessary pursuant to Section 22-3-3-318 of this article.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

2. 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;

3. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;

7. 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; and

8. Other conditions as deemed appropriate by the director to ensure compliance with this article, and federal and state laws, rules, and regulations.

§ 22-3-6-337 – WASTEWATER DISCHARGE PERMIT APPEALS

1. The director shall provide public notice of the issuance of a wastewater discharge permit and notify the applicant of any permit conditions which he proposes. Any person, including the user, may appeal to the Director to reconsider the terms of a wastewater discharge permit.

2. The appellant shall have thirty (30) days from the date of issuance of the wastewater discharge permit to file written objections with the director. The appeal shall include the specific provisions of the permit objected to, the reasons for the objection and shall include the alternative condition, if any, the appellant seeks to place in the permit.

3. The director should make a written response within thirty (30) days following receipt of the appellant's written objections, and conditions.

4. The effectiveness of the issued waste water treatment permit is not stayed during the pendency of the appeal.

5. If the director fails to act within thirty (30) days the appeal is deemed denied.

6. The decision to issue, not to issue, deny reconsideration, modification or an appeal is considered a final administrative action and the aggrieved party may seek judicial review in the District Court of Comanche County, Oklahoma, pursuant to Oklahoma Statutes, Title 12, (1991) Section 951.

§ 22-3-6-338 – WASTEWATER DISCHARGE PERMIT MODIFICATION

A discharge permit may be modified for good cause, including, but not limited to, the following conditions:

A. To incorporate any new or revised regulations;

B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of 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, the city or it's personnel, or the receiving waters;

E. Violation of any terms or conditions of the wastewater discharge permit;

F. Misrepresentation 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; and

H. To correct typographical or other errors in the wastewater discharge permit.

§ 22-3-6-339 – WASTEWATER DISCHARGE PERMIT TRANSFER

Wastewater discharge permits are issued to a specific significant industrial user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or

sold to a new owner, new significant industrial user, or for different premises.

§ 22-3-6-340 - WASTEWATER DISCHARGE PERMIT REVOCATION

The director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

A. Failure to notify the director of significant changes to the wastewater prior to the changed discharge;

B. Failure to provide prior notification to the director of any changed conditions;

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 director or his designated representative 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. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance; or

M. Any statement made which is false or for the purpose of misleading, misrepresenting, or fraudulent in the submission on any requirement of this article. Wastewater discharge permits issued to a particular user are void on the issuance of a new permit to that user for the same location or transfer of ownership of the location or cessation of operations for more than thirty (30) days at the location indicated on the permit.

§ 22-3-6-341 WASTEWATER PERMIT REISSUANCE

A user with an expiring discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Sections 22-328, 22-329 and 22-332, of this Article.

§ 22-3-6-342 – REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS

A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the city shall enter into an interlocal agreement with the contributing municipality;

B. Prior to entering into an agreement required by paragraph A, above, the Director shall request the following information from the contributing municipality:

1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

2. An inventory of all users located within the contribution municipality that are discharging to the POTW; and

3. Such other information as the Director may deem necessary.

C. The interlocal agreement, as required by paragraph A, above, shall contain the following conditions:

1. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

2. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Director; and which of these activities will be conducted jointly by the contributing municipality and the Director;

3. A requirement for the contributing municipality to provide the Director with access to all information that the contributing municipality obtains as part of its pretreatment activities;

4. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

5. Requirements for monitoring the contributing municipality's discharge;

6. A provision ensuring the Director access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director; and

7. A provision specifying remedies available for breach of the terms of the interlocal agreement.

DIVISION 7

REPORTING REQUIREMENTS

§ 22-3-7-344 – BASELINE MONITORING REPORT REQUIREMENTS

Users subject to National Categorical Pretreatment Standards shall submit to the Director a report which contains the information listed below within one hundred and eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a categorical determination under 40 CFR 403.6(a)(4), whichever is later. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become categorical users subsequent to the promulgation of any applicable categorical standard, shall submit to the Director a report which contains the information listed below. New sources shall report the method of pretreatment it intends to use to meet applicable categorical standards. New sources shall also give estimates of anticipated flow and quantity of pollutants to be discharged. All reports shall contain the following:

1. The name and address of the facility, including the name of the operator and owner. If the user is a partnership or proprietorship, the names of all partners or proprietors must be submitted to the director along with the name of the authorized representative;

2. A list of any environmental control permits held by or for the facility;

3. The nature, average rate of production and standard industrial classification of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated process;

4. The average daily and maximum daily flow of the discharge, 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) Categorical pretreatment standards applicable to each regulated process;

    (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the director, of regulated pollutants in the discharge from each regulated process. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Sections 22-3-7-353 and 22-3-7-354 of this article;

    (c) Sampling must be performed in accordance with procedures set out in Section 22-3-7-354 of this article;

6. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O&M) and /or additional pretreatment is required to meet the pretreatment standards and requirements;

7. If additional pretreatment and/or O&M will be required to meet pretreatment standards, the shortest schedule shall be established by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 22-3-7-345 of this article; and

8. All baseline monitoring reports must be signed and certified in accordance with Section 22-3-5-332 of this article.

§ 22- 345 – COMPLIANCE SCHEDULE AND PROGRESS REPORTS

The director shall establish a compliance schedule for any user who demonstrates consistent noncompliance with any part of this article. The purpose of this schedule is to bring the user into compliance. The schedule shall contain the following information:

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to construction and operation of additional pretreatment required for the user to meet applicable pretreatment standards (e.g. hiring an engineer, completing preliminary plans and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

2. No increment of progress in the compliance schedule shall exceed nine (9) months;

3. Not later than fourteen (14) days following each date in the schedule, the user shall submit a progress report to the director. The report shall state whether or not the user complied with the increment of progress to be met on such date and, if not, the date on which the user expects to comply, the reason for the delay and steps being taken by the user to return to the schedule established; and

4. In no event shall more than nine (9) months elapse between such progress reports to the director.

§ 22-3-7-346 – REPORTS ON COMPLIANCE WITH NATIONAL 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 to the POTW, any user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in Section 22-344 of this article. For users subject to equivalent mass or concentration limits established in accordance with 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in allowable pollutant discharge per unit of production or other measure of operation, this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed in accordance with Section 22-332 of this article.

§ 22-3-7-347 – PERIODIC COMPLAINCE REPORTS (SELF-MONITORING)

A. All significant industrial users shall submit a quarterly report (due on the dates contained in the permit) indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 22-3-5-332 of this article. At the discretion of the Director, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted. The sampling and analysis may be performed by the Director in lieu of the Industrial User upon industrial user request and Director approval. Where the Director performs the required sampling and analysis in lieu of the Industrial User, the Director collects all the information required for the report, including flow data, the Industrial User will not be required to submit the compliance report.

B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep it's monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of it's discharge. The Director may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by Subsection A of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Director, or pollutants contained therein which are limited by the applicable pretreatment standard. All samples collected shall comply with the chain of custody, preservation and holding time requirements. Sampling and analysis of discharges shall be performed in accordance with sections 22-3-7-353 and 22-3-7-354 of this article.

C. If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director, using the sampling procedures prescribed in Section 22-3-7-353 and 22-3-7-354 of this article, the results of this monitoring shall be included in the report.

D. In the event 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977," and amendments thereto, or with any other sampling and analytical procedures approved by the administrator of the EPA.

E. In the event a self-monitoring report is not filed with the city within five days after the due date, the director shall issue a notice of violation to the user. If a user does not respond to the notice of violation, the director shall notify the City Attorney. Upon direction of the city council, the City Attorney will seek appropriate relief in the district court of this county, or any other judicial forum of competent jurisdiction. If the report is thirty (30) days or more late an Administrative Order along with an administrative fine will be issued. The industrial user will be fined, not to exceed $1000/day, for each additional day the report is late. Enforcement action shall include the collection of all fines and costs provided for in this article and may include the termination of the user's water and sewer services.

§ 22-3-7-348 – USER TO GIVE NOTICE OF CHANGES

A. All users shall notify the director of any of the following changes of condition within five days of the occurrence of such changes, the same being as follows:

1. Transfer of ownership;

2. Change of product line;

3. Alterations of discharge volume, flow rate, character or composition;

4. Equipment failure that prevents the treatment of wastewater;

5. Insufficient chemicals to treat the wastewater; or
6. Any other changes that could result in problems at the POTW.

B. All users shall notify the director immediately of all discharges that could cause problems to the POTW, including slug loads.

§ 22-3-7-349 – 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 22-3-2-310 of this article), it is the responsibility of the industrial user to immediately telephone and notify the city of the incident. This notification shall include location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by user.

B. Within five (5) days following such discharge the industrial user shall, unless waived by the Director, 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 article.

C. Failure to notify the city of potential problem discharges shall be deemed a separate violation of this article.

D. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who may cause

or suffer such a discharge to occur, are advised of the emergency notification procedure.

§ 22-3-7-350 – REPORTS FROM NON-SIGNIFICANT INDUSTRIAL USERS

All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the city as the Director may require.

§ 22-3-7-351– NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING

If sampling performed by a user indicates a violation, the user must notify the Director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the report analysis to the Director within thirty (30) days after becoming aware of the violation. Where the Director has performed the sampling and analysis in lieu of the user, the Director must perform the repeat sampling and analysis in lieu of the user, the Director must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis. The user is not required to re-sample if the Director monitors at the user's facility at least once a month or if the Director samples between the user's initial sampling and when the user or the city receives the results of this sampling.

§ 22-3-7-352 - NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE

A. The user shall notify the Director, the EPA Regional Waste Management Division director, and ODEQ, in writing, of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste as defined by 40 CFR, Part 261. Such notification must include the name of the hazardous waste, the EPA hazardous waste, number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall, also, contain the following information to the extent such information is known and readily available to the user: An identification of the hazardous constituents contained in the waste, an estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month. Notification shall be made for each such discharge and shall be made in accordance with Section 22-3-7-348 of this article.

B. The provisions of this section do not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued hereunder or any applicable state or federal law.

§ 22- 3-7-353– – ANALYTICAL REQUIREMENTS

A. All pollutant analysis, 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 analysis must be performed in accordance with procedures approved by EPA.

§ 22-3-7-354 – SAMPLE COLLECTION

A. The reports required in sections 22-3-7-344, 22-3-7-346, 22-3-7-347 and 22-3-7-350 of this program must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which is representative of conditions occurring during the reporting period. The Director shall require the frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

B. Grab samples must be used for temperature, pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds. For all other pollutants, twenty-four (24) hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Director. The samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user permit and file for that facility or facilities. Using protocols (including appropriate preservations) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field. For volatile organics and oil and grease the samples must be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Director as appropriate.

C. For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in sections 22-3-7-344 and 22-3-7-346 of this article, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical data is available, the Director may authorize a lower minimum. For the reports required by section 22-3-7-347 of this program, the Director shall require the number of grab samples necessary to assess and assure compliance by users with applicable pretreatment standards and requirements.

D. The Director may obtain samples by any approved method at his discretion for the

purpose of monitoring the effluent to insure that permitted limits are not exceeded.

§ 22- 3-7-355 - TIMING

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed by United States Mail, postage prepaid, the date of receipt of the report shall govern.

§ 22-3-7-356 – RECORD KEEPING

Users shall retain, and make available for inspections 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 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.

DIVISION 8

COMPLIANCE MONITORING

§ 22-3-8-357 – RIGHT OF ENTRY – INSPECTION AND SAMPLING

A. The director shall have the right to enter and inspect the facilities of any user to determine whether the user is complying with all requirements of this article. Users shall allow the director or his representative ready access to all parts of the premises for the purposes of inspection, sampling, records examination or copying and the performance of any additional duties. The director, the ODEQ and the EPA, shall have the right to set up on the user's property such devices as are necessary to conduct sampling (independent or otherwise), inspection, compliance monitoring or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, the director or his representative will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. The POTWs with approved pretreatment programs shall conduct at least one inspection and sampling visit annually for each user.

B. In the event any user denies the director or his authorized representative the right of entry, to or upon the user's premises, for purposes of inspection, sampling effluents, or inspecting and copying records, or performing such other duties as shall be imposed upon him by this section, the director shall seek a search warrant or use such other legal procedures as shall be advisable and reasonably necessary

to discharge his duties under this section. Each denial of entry by the user shall constitute a separate violation of this ordinance, provided that the director shall make no more than one demand each calendar day. Such demands may be made in writing or verbally.

C. If the director or his authorized representative has been refused access to any building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the director may seek issuance of a search warrant from the Municipal Court of the city.

§ 22-3-8-358 – SIGNIFICANT INDUSTRIAL USERS

A. Significant industrial users shall provide necessary wastewater treatment as required to comply with this article and shall achieve compliance with all federal categorical pretreatment standards or other standards established by this article within the time limitations as specified by the federal pretreatment regulations or by the director. Any facilities required to pre-treat wastewater to a level acceptable to the city shall be provided, operated and maintained at the significant industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the director for review and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the significant industrial user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this article. Any subsequent change in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the significant industrial user's initiation of the changes.

B. Small volume/quantity users within the specified groupings-photo developers, printing, publishing and medical facilities for silver, radiator and maintenance shops for lead, copper, zinc and cadmium shall not be permitted as a significant industrial user unless a compliance issue arises.

C. All records relating to compliance with pretreatment standards shall be made available to the approval authority upon request. All records must be maintained by both the city and the user for a minimum of three years.

§ 22-3-8-359 – CONFIDENTIAL INFORMATION

A. Information and data on a user obtained from reports, questionnaires, permit

applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

B. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) permit, State Disposal System permit or the pretreatment programs; however, such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

§ 22-3-8-360 – PUBLICATION OF SIGNIFICANT NONCOMPLIANCE

The Director shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements using the following as determination:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of wastewater measurements taken during a six (6) month period exceed a numeric pretreatment standard or requirement, including instantaneous limits as defined by 40 CFR 403.3(1) for the same pollutant parameter by any amount;

B. Technical Review Criteria (TRC) violations, defined here as those which thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable criteria (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit or narrative standard) that the Director believes caused, alone or in combination with other discharges, interference or passthrough, including endangering the health of POTW 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 Director's exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s) which the director determines will adversely affect the operation or implementation of the local pretreatment program.

DIVISION 10

ADMINISTRATIVE ENFORCEMENT REMEDIES

§ 22-3-10-362 – NOTIFICATION OF VIOLATION

A. When the director finds that any user has violated or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard, the director may serve upon said user a written Notice of Violation (NOV).

B. 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. Within five (5) working days from the receipt of a notice of violation, the user shall give his response to the director in writing and shall indicate its intended course of action to correct the violation, including an estimated date by which corrective action will be completed. After receipt of the response, the director will establish a definite deadline for the accomplishment of the corrective action by the user. The director shall periodically inspect and monitor the corrective actions taken by the user. For good cause shown, which cause must be beyond the control of the user, the director may grant reasonable extensions to the deadline date. The financial condition of the user, or the cost of corrective action, shall not be considered in establishing deadlines or extensions thereto.

C. In the event the user fails to respond to the initial notice of violation within the required time period, or, if the user fails to fully complete corrective action by the deadline date, or any extensions thereto, the director shall notify the city attorney,

who shall take the appropriate legal action against the user as elsewhere provided in this article.

D. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a NOV.

§ 22-3-10-363 – CONSENT ORDER

The director is hereby empowered to enter into a consent order, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the users to correct the noncompliance within a time periodic also specified by the order. Consent orders shall have the same force and effect as the administrative orders issued pursuant to Section 22-3-10-365 and Section 22-3-10-366 below and shall be judicially enforceable.

§ 22-3-10-364 – SHOW CAUSE HEARING

The director may order any user which causes or contributes to a violation(s) of this ordinance, wastewater discharge permits, orders issued hereunder, or any other pretreatment standard or requirement, to appear before the director and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by certified mail return service requested at least 30 days prior to the hearing. Such notice may be served on any authorized representative of the user. 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.

§ 22-3-10-365 – COMPLIANCE ORDER

When the director finds that a user has violated or continues to violate the ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance within forty-five (45) days. If the user does not come into compliance within forty-five (45) days, sewer service shall 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.

§ 22-3-10-366 – CEASE AND DESIST ORDERS

A. When the director finds that a user has violated, or continues to violate any provision of 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 reoccur, the director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

1. Immediately comply with all requirements; and

2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

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

§ 22-3-10-367 – ADMINISTRATIVE FINES

A. Notwithstanding any other section of this ordinance, any user that is found to have violated any provision of this ordinance, its wastewater discharge permit, any orders issued hereunder, or any other pretreatment standard or requirement, shall be fined in an amount not to exceed one thousand dollars ($1000.00). Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

B. Users desiring to dispute such fines must file a written request for the director to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the director shall convene a hearing on the matter within thirty (30) days of receiving the request from the industrial user. In the event the user's appeal is successful the payment together with any interest accruing thereto shall be returned to the user. The city may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

C. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of one percent (1%) of the unpaid balance and interest shall accrue thereafter at a rate of ten percent (10%) per month. A lien

against the user's property will be sought for unpaid charge fines, and penalties.

D. Assessments may be added to the user's next scheduled sewer service charge if unpaid according to notice and the director shall have such other collection remedies as may be available for other service charges and fees.

E. Issuance of an administrative fine shall not be a prerequisite for taking any other action against the user.

§ 22-3-10-368 – EMERGENCY SUSPENSION

A. The director may immediately suspend a user's discharge after informal 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 director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

B. 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 director 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 director shall allow the user to recommence its discharge when the period of endangerment has passed, unless the termination proceedings set forth in Section 22-369 of this article are initiated against the user.

C. 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 director, prior to the date of any show cause or termination hearing under Sections 22-3-10-364 and 22-3-10-369 of this article.

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

§ 22-3-10-369 – TERMINATION OF DISCHARGE

A. In addition to the provisions found in Sections 22-3-6-340, 22-3-10-367, 22-3-11-372 and 22-3-11-373 of this article, any user that violates the following conditions of this ordinance, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination:

1. Violation of wastewater discharge permit conditions;

2. Failure to accurately report the waste-water constituents and characteristics of its discharge;

3. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;

4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling;

5. Violation of the pretreatment standards in Division 2 of this article; or

6. Failure to pay all required charges including fines and penalties.

B. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 22-3-10-364 of this article why the proposed action should not be taken. Exercise of this option by the director shall not be a prerequisite for taking any other action against such user.

DIVISION 11

JUDICIAL ENFORCEMENT REMEDIES

§ 22-3-11-371 – INJUNCTIVE RELIEF

Whenever a person has violated a pretreatment or discharge standard or requirement or continues to violate the provisions of this article, wastewater discharge permit, or orders issued hereunder, the director may petition the district court, through the city Attorney with the approval of the city council, for the issuance of an injunction, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this article on activities of the person and such other action as may be appropriate.

§ 22-3-11-372 – CIVIL PENALTIES

A. A user who has violated, or continues to violate any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum penalty of one thousand dollars ($1,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The city may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring

expenses, and the cost of any actual damages incurred by the city.

C. 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 of the violation, 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.

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

§ 22-3-11-373 – CRIMINAL PROCSECUTION

A. Any user who is found to have violated an order of the city council or its duly designated representatives, or who willfully or negligently failed to comply with any provisions of this chapter, or the orders, rules, regulations and permits issued hereunder, shall be subject to punishment as provided in Section 1-119 of this code for each offense. The director has the authority to seek or assess minimum civil or criminal penalties of one thousand dollars ($1,000.00). Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

B. The violation of any provision in this article shall constitute a misdemeanor punishable by a fine of not to exceed one thousand dollars ($1,000.00) per offense, or by imprisonment in the city jail for not more than ninety (90) days, or by both such fine and imprisonment plus court costs. Each day any user is in violation of any provision of this article, and each day any such violation occurs or continues to exist, shall be a separate offense.

C. The civil and criminal remedies prescribed by this article and by other provisions of law and ordinance shall be cumulative one to the other. The city may elect to follow any remedy available at law or inequity in addition to those referred to in this article.

§ 22-3-11-374 – REMEDIES NONEXCLUSIVE

The remedies provided for in this ordinance are not exclusive. The director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violation will generally be in accordance with the City of Lawton Enforcement Response Plan. However, the director may take other action against any user when the circumstances warrant. Furthermore, the director is empowered to take more

than one enforcement action against any noncompliant user.

DIVISION 12

AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

§ 22-3-12-378 - UPSET

A. For the purpose 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 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), below, are met.

C. A 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 user can identify the cause(s) of the upset;

2. The facility was at the time being operated in a prudent and work-man like manner and in compliance with applicable operation and maintenance procedure; and

3. The user has submitted the following information to the director 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 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; and

   (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

E. 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 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.

§ 22-3-12-379 – PROHIBITED DISCHARGE STANDARDS

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 22-313 of this article. If it can prove that it did not know or have reason to know that its discharge, alone 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 user was in compliance with each limit directly prior to, and during, the passthrough 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 the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

§ 22-3-12-380 - BYPASS

A. For the purpose of this section,

1. "Bypass" means the intentional diversion of wastestreams from any portion of a 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. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.

C. Bypass notification:

1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the director, at least ten days before the date of the bypass, if possible;

2. A user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the director 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 causes, 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 Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass prohibited:

1. Bypass is prohibited, and the director 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 user submitted notices as required under paragraph C of this section.

2. The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three (3) conditions listed in paragraph (D) (1) of this section.

PRETREATMENT CHARGES AND FEES

§ 22-3-13-382 – CHARGES AND FEES

A. After the effective date of this article, the director shall hereby have the power and authority to require the payment of the following type of fees and charges, for the purpose of defraying the cost of implementing and operating the city's pretreatment program:

1. Application fee for an initial or renewal wastewater discharge permit, waste hauler permit or other permit required by this article;

2. Fees for reimbursement of costs for setting up and operating the city's pretreatment program;

3. Fees for monitoring, inspections and surveillance procedure;

4. Fees for reviewing accidental discharge procedures and construction;

5. Fees for filing appeals;

6. Fees for consistent removal by the city of pollutants otherwise subject to federal pretreatment standards;

7. Fees for dumping septage; or

8. Other fees as the city may deem necessary to carry out the requirements contained herein.

B. The fees provided in this section or elsewhere in this article shall be as established in the Fee Schedule.

§ 22-3-13-383 – SURCHARGE COSTS

A. Surcharges will be administered for the discharge of Ammonia, BOD, biodegradable Oil and Grease, and TSS in excess of the following surcharge levels:

25 mg/l Ammonia	750 mg/l BOD	200 mg/l Fat, Oil and Grease	500 mg/L TSS

These surcharges are in addition to any sewer use charges and shall be according to the Fee schedule. Separate fees for dumping septage will be administered to transporters of waste water using the Fee Schedule. Unpaid surcharges shall, after

thirty (30) calendar days, be assessed an additional penalty of one (1) percent of the unpaid balance and interest shall accrue thereafter at a rate of ten (10) percent per month. A lien against the user's property will be sought for unpaid surcharges.

§ 22-3-13-384 - SEVERABILITY

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

§ 22-3-13-385 – CONFLICTING PROVISIONS

All other provisions or parts of other provisions of the city code inconsistent or conflicting with any part of this article, are hereby repealed to the extent of the inconsistency or conflict.

DIVISION 14
SANITARY SEWER SYSTEM IMPACT FEE AND EXTENSION PROCEDURE

§ 22-3-14-390 – PURPOSE AND SCOPE

It is the intent of this division to provide revenues for the installation of sanitary sewer mains as determined by the Sewer Master Plan approved by the director of public works, for upsizing of mains to provide for development and expansion of the system and for the purposes set out in Section 22-2-2-221 of this code. The city council shall establish and update annually, a fee to be paid by all new sanitary sewer customers. Said fees shall be maintained in a separate fund and appropriated for the stated purposes set forth in this Section and Section 22-2-2-221 of this Code. It is further the intent of this division to provide a developer and/or owner of a tract inside the city who has paid all costs of the extension of a sanitary sewer main with a minimum diameter of 10″ or larger as shown on the approved Sewer Master Plan and which main is so located as to render it possible for tracts of land as yet undeveloped to be served with sanitary sewer through said main, the ability to enter into a lease-purchase agreement between the developer and/or owner and the city to allow for recovering a portion of the costs of the sanitary sewer main extension by the developer and/or owner. The fund established by this Section may be combined with the fund established by Section 22-2-2-221 for the construction of or the expansion of either a water or sewer main or sewer system.

§ 22-3-14-391 – SANITARY SEWER SYSTEM IMPACT FEE ESTABLISHED

A. For property within the city limits, which is served by the city sanitary sewer system or will be when developed, the sanitary sewer impact fee shall be required prior to the issuing of a building permit for platted or unplatted property in accordance with the fees established in Appendix A, Schedule of Fees and Charges.

B. The sanitary sewer system impact fee shall not be assessed against any of the following:

1. Any building permit for lots shown on construction plats approved prior to January 1, 2005 and located in the city limits;

2. Any building permit for the reconstruction or replacement in kind of a structure demolished or destroyed by fire, explosion, natural causes or a public;

3. Any building permit for the remodeling of or an addition to an existing structure provided there is no change in meter size or in the number of meters serving the structure;

4. Whenever a building permit is not required as provided by Section 6-1-1-102.B, "work exempt from permit", of this code; or

5. Any request for or requiring an increase in meter size or the number of meters serving an existing structure or lot provided:
   a. said structure was completed and the lot platted on or before January 1, 2005;

   b. there is no increase in size of the structure as measured by its square footage;

   c. there is no change in the use of the property;

   d. there is no "substantial improvement" made to the property as that term is defined below; and

   e. there is no change in the property's ownership or utility account holder within the previous twenty-four-month period.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before "start of construction" of the improvement. This includes structures that have incurred "substantial damage", regardless of the actual repair work performed. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

C. The assessment of this fee shall not apply to construction of facilities of the United States Government, the State of Oklahoma and cities and municipalities.

D. The assessment of this fee shall apply to new or amendments of existing sewer service contracts with cities, municipalities and other legal entities based upon the change in the master meter size or number of master meters.

E. The assessment of this fee shall not apply to any structure constructed or reconstructed in the "Downtown Area" for applications for building permits submitted and accepted prior to January 1, 2013. The "Downtown Area" for the purpose of this ordinance is shown on the map attached as Exhibit "A" to this ordinance and more particularly described as:

A tract of land described as follows: Beginning at the intersection of the East right-of-way line of NW 17th Street and the South right-of-way line of NW Ferris Avenue; thence an Easterly direction along the South right-of-way line of NW Ferris Avenue to its intersection with the West right-of-way line of N. Railroad Street; thence in a Southerly direction along the West right-of-way line of N. Railroad Street to its intersection with the South right-of-way line of E. Gore Boulevard; thence in an Easterly direction along the South right-of-way line of East Gore Boulevard to its intersection with the West right-of-way line of SE 6th Street, this point also being the Northeast corner of Lot "A", in Block 4, of Council Heights Addition to the City of Lawton; thence S 13°51′ E a distance of 1,077.45 feet to a point being the Southeast corner of Lot 6 in said Block 4; thence in a Southwesterly direction along the South line of said Lot 6, a distance of 123.0 feet to the Southwest corner of Lot 6, this point also being on the East right-of-way line of the Burlington Northern Railroad; thence in a Southwesterly direction along said right-of-way line to its intersection with the South right-of-way line of SE "F" Avenue; thence in a Westerly direction along the South right-of-way line of SE "F" Avenue to its intersection with the West right-of-way line of SW 2nd Street; thence in a Southerly direction along the West right-of-way line of SW 2nd Street to its intersection with the North right-of-way line of SW Lee Boulevard; thence in a Westerly direction along the North right-of-way line of SW Lee Boulevard to its intersection with the East right-of-way line of SW 17th Street; thence in a Northerly direction along the East right-of-way line of SW 17th Street to its intersection with the South right-of-way line of NW Ferris Avenue, also being the point of beginning.

F. Any applicant for a low or moderate income or senior citizen residential housing project may apply to the City Council for a modification or waiver of the fee. The council shall consider the application on a case by case basis.

22-3-14-392 - Standards and criteria for sewer main extensions.

A. All sewer main extensions and appurtenances shall be constructed in accordance with the approved Sewer Master Plan, city standard specifications and approved by the Oklahoma Department of Environmental Quality.

B. All sewer main extensions and land to be served shall be situated within the corporate limits of the city. If the tract to be served by the extension is outside the

corporate limits of the city but is adjacent to or abutting, the subdivider or developer shall request annexation by the city council under the provisions of the state statutes.

C. Sewer mains shall not be extended into an area until after the area to be served has been platted under the provisions of Chapter 21 of this code. However, the developer may include the construction of the sewer main extension with the construction plat in accordance with Chapter 21 of this code with additional requirements of this division. Proposed construction and bid costs shall be separate and apart from the development. If the developer of a tract of land to be served by a sewer main extension dedicates those same easements and rights-of-way as would be required during the platting process, then the above requirement for platting may be waived.

D. All sewer mains will be constructed at the expense of the subdivider or developer desiring service, which may be either the property owner, subdivider or developer, others desiring sewer main installation.

E. Subdividers or developers desiring to construct sewer main extensions under the provisions of this article shall provide additional right-of-way or easements, as required for the proper location and placement of the new mains.

§ 22- 3-14-393 – LEASE-PURCHASE AGREEMENT PROCEDURE

A. Prior to constructing a sanitary sewer main extension for which the developer and/or owner desires to recover a portion of the cost of constructing the main extension the application to participate in a lease-purchase agreement should be submitted, reviewed and approved by the City Council.

B. The application shall include the following information:

1. Name and address of the owner or developer making the application;

2. Plans and specifications for the sanitary sewer main extension prepared by a licensed civil engineer and meeting the approved City Sewer Master Plan, and city standards and specifications showing the proposed location of the new main, location of existing sanitary sewer mains in close proximity thereto, the proposed point of connection and costs of construction including but not limited to engineering costs, off-site right-of-way and easement acquisition costs and labor and materials;

3. Legal descriptions of right-of-way and easements to be dedicated to the city and written consent to the granting of the same by all land owners affected; and
4. Payment of review fee as set out in Appendix A, Schedule of Fees and Charges.

C. Following construction of said improvements, the developer shall submit the as-built drawings, fully executed utility easements and/or rights-of-way, the certified actual costs associated with the construction of said improvements, and the final description and sketch of the defined service areas.

D. The lease-purchase agreement must be approved by City Council prior to, or in conjunction with the approval and acceptance of the related improvements.

1. Those impact fees that can be specifically attributed to improvements included in a fully executed lease-purchase agreement that were collected within the twelve-month period prior to approval of said agreement may be recovered by the developer.

2. Any improvements accepted by the City Council after July 1, 2009, that would otherwise meet the requirements of this article, but for which an application for a lease-purchase agreement was not submitted prior to construction of said improvements, may be considered by City Council for inclusion in a lease-purchase agreement provided that a full and complete application for same is received by the director of planning prior to June 30, 2010.

§ 22-3-14-394 – LEASE PURCHASE AGREEMENT

When a developer and/or owner of a tract inside the corporate limits has paid all or a portion of the cost of a sewer main with a minimum diameter of 10″ or larger as shown on the approved Sanitary Sewer Master Plan which is so located as to render it possible for tracts of land as yet undeveloped to be served through the main, as provided herein, a lease-purchase agreement may be entered into by and between the developer and/or owner and the city containing the following basic provisions:

A. The developer and/or owner shall lease his interest in the main to the city for a period of twenty-five years, during which time the city will assume responsibility for maintenance of the main as a part of the sewer system of the city.

B. As the city collects impact fees for new sanitary sewer service connections within the defined service area of the lease-purchase agreement, said fees shall be held on account and paid to the developer and/or owner on a semi-annual basis, until the original investment of the developer and/or owner in the main has been compensated. The total service area of such main shall consist of that area of the sanitary sewer drainage basin flowing directly to said sewer main without benefit of any other primary sewer main as planned by the city and be defined by a licensed civil engineer and agreed upon by the developer and/or owner and the city at the time of the execution of the lease-purchase agreement. No land area shall be included within the defined service area of more than one lease-purchase agreement.

C. The developer and/or owner shall have no right or claim to any portion of the revenue received by the city for tie-on charges or service charges; the reimbursement to the developer and/or owner being specifically limited to contribution under paragraph B. above.

D. At such time as the developer and/or owner has been compensated, as above described, or at the expiration of the lease period set forth in the lease-purchase agreement; the title to the sewer main shall automatically vest in the city; and the developer and/or owner shall thereafter have no right, title or interest therein.

The city will not allow any connections to the sewer main described in Section B above until the required payments are made to the city.

§ 22-3-14-395 – OVERSIGHT COMMITTEE

A. The City Council may appoint an oversight committee to render recommendations on the expenditures of revenues from these fees to install or upsize sanitary sewer and/or water mains to support development. If created, the membership shall be the same members of the oversight committee created by Section 22-2-2-227.

SECTION 2. Codification. Section 1 thereof shall be codified as Sections 22-301 et seq., Article 3, Chapter 22, Lawton City Code, 2005.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

SECTION 4. Effective Date. The provisions of this Article shall be in full force and effect from and after the date of adoption by this body and immediately following approval by the Oklahoma Department of Environmental Quality and thirty (30) day public comment period.

IMPLEMENTATION PROCEDURES

THE CITY OF LAWTON
INDUSTRIAL PRETREATMENT PROGRAM

The City of Lawton, Oklahoma developed an Industrial Pretreatment Program in 1981 in accordance with the Clean Water Act and the General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR Part 403). These regulations were promulgated by EPA on June 26, 1978, and apply to Publicly Owned Treatment Works (POTW). The Industrial Pretreatment Program, which is administered by the Public Works/Engineering Department, controls Significant Industrial Users' waste flows entering the Lawton Wastewater Treatment Plant. The program was revised in 1991 as mandated by Environmental Protection Agency after several inspections were performed. The Industrial Pretreatment Program was revised again in 1997 to include a more workable program that conformed with the NPDES permit and to modify local limits due to an industry moving into the area. On October 2, 1997, while under revision, the EPA gave official notice transferring enforcement authority for the City of Lawton facility to the State of Oklahoma Department of Environmental Quality. The City of Lawton Industrial Pretreatment Program was revised and effective according to NPDES standards under the jurisdiction of ODEQ. The Industrial Pretreatment Program was revised again in 2010 to incorporate the Pretreatment Streamlining Rule (40 CFR 403) and to modify local limits due to new Oklahoma Water Quality Standards.

The City of Lawton Industrial Pretreatment Program has been developed to meet the following objectives:

- Prevent the introduction of pollutants into the POTW which will interfere with treatment operations and/or the use or disposal of the municipal sludge.
- Prevent the introduction of pollutants into the POTW which will pass through the treatment works or be incompatible.
- Improve the feasibility of recycling and reclaiming the municipal and industrial wastewaters and sludges.
- Enforce applicable EPA Categorical Pretreatment Standards.
- Reduce the health and environmental risk or pollution caused by discharges to POTW's.

DEVELOPMENT OF PROGRAM

The following steps were taken to develop the program:

Industrial Waste Survey (IWS)

An Industrial Waste Survey (IWS) was conducted in November 1990 for the City of Lawton's Industrial Pretreatment Program. The method used in conducting Lawton's IWS included the development of a master file of potential Significant Industrial Users which meeting the following criteria:

1. Any discharger subject to Categorical Pretreatment Standards.

2. Any other Industrial User that discharges an average of 25,000 gallons or more per day of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewaters) to the POTW or that contributes a process waste stream which makes 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW.

3. Any discharger that is designated as such by the Industrial Pretreatment Element on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating

any pretreatment standard or requirement.

Upon a finding that a user meeting the criteria in parts 2 or 3 above has no reasonable potential for adversely affecting the POTW operation or for violating any pretreatment standard or requirement, the City of Lawton may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Additional Industrial Waste Surveys were conducted during the summer of 1998 and in 2007. The method used in conducting the surveys was based upon the previous criteria and included updating the master list of users within the City of Lawton.

A list of potential SIUs was developed from review of the following:

City of Lawton Master Computer File of Water and Sewer Accounts

Oklahoma Directory of Manufacturers

Telephone Directory

City of Lawton Master Computer File of Water and Sewer Accounts

The water and sewer accounts were screened initially in 1990 for users of 25,000 gallons of water per day. The Significant Industrial Users were determined by a 500,000 gallon per month water usage rate. The 1990 potential list was compiled from 300 computer printed pages (Appendix A) containing 18 accounts that use 500,000 gallons or more. Of those 18 accounts, only six had the potential to be placed on the Industrial Pretreatment Program. Twelve were eliminated because of their domestic discharge status. These included apartment complexes, trailer courts, water only users, and hotels. The pretreatment staff continues to screen these monthly accounts for new potential users and also receives a monthly list from IT listing new accounts.

Oklahoma Directory of Manufacturers

All Lawton manufacturers listed in the Oklahoma Directory of Manufacturing (Appendix C) were inspected in November 1990. An Industrial Waste Survey was sent to 12 of the 35 listed to obtain more information. During the summer of 1998, the November 1997 Oklahoma Manufacturers List was used to update the master list of potential users. This project began by mailing IWSs to all the establishments listed except the industries that had recently been inspected and had filled out an IWS. A letter accompanied the form asking for cooperation and a return of the completed form by a specific date for review by pretreatment staff. A self-addressed stamped envelope was included for convenience. Fourteen (14) of the sixty-three (63) surveys were received by the due date. Some of these establishments had already been inspected. The establishments that did not respond by mail were scheduled for a visit within the next two weeks. The surveys were filled out by the Pretreatment Inspector with the help of the business manager or owner and an inspection was performed at that time. The master list was completed and a current list is kept on file. Comments are given on the master list as to what determination was made by pretreatment staff. The Oklahoma Directory of Manufacturers list is obtained annually and reviewed for new significant users. These surveys and inspection forms are kept on file at the Wastewater Treatment Plant for further reference.

Telephone Directory

The telephone book was reviewed in 1990 for metal finishers, electroplaters, food processors, and any other dischargers that could have a potential effect on the Wastewater Treatment Plant and its ability to treat the wastewater. Two industries were retrieved from the telephone book. A total of 17 manufacturers were mailed certified letters containing the Industrial Waste Survey. The list of 34 Federal Categorical Industries was compared with each questionnaire filled out.

The telephone book is still used to screen for potential users when knowledge is gained by pretreatment staff of industry processes (i.e. categorical listings, photo shops, dry cleaners and medical offices using x-ray equipment). Word of mouth and several City inspectors in the field is adequate for reference in finding new businesses in existing buildings and those with name changes.

PROGRAM IMPLEMENTATION PROCEDURES

The Industrial Pretreatment Program was implemented and is monitored through a set of procedures listed on the following pages. The procedures fall into two categories, administrative and operational. The administrative staff consists of the Public Works/Engineering Director, Assistant Public Works Director (Water/Wastewater), Chief Chemist and City Attorney. The operational staff consists of the Pretreatment Officer, Pretreatment Inspector and Laboratory Chemists. The City of Lawton implements the following procedures under each category:

Administrative:

- Update the Non-Residential Accounts
- Notification of Discharge Standards
- Receipt of analysis of self-monitoring reports
- Require a Spill Management Plan for all Significant Industrial Users (SIU's) in the IPP
- Require a Slug Plan when necessary
- Provide Notice of Violation to non-compliant SIU
- Submit the Pretreatment Compliance Monitoring Annual Report
- Publish the Significant Non-compliant violators yearly in Lawton's largest newspaper

Operational:

- Yearly inspect (at a minimum) Significant Industrial Users that are placed in the Industrial Pretreatment Program (IPP)
- Review Self-Monitoring Report and Lab Analysis

UP-DATING NON-RESIDENTIAL ACCOUNTS

Up-dating non-residential accounts is done on a continual basis. Computer Services generates a list of changes for water and sewer service billing for each non-domestic customer as reported by the Supervisor of Revenue Collections. The Master File print-out shows any service additions, deletions, location changes or owner changes . The Pretreatment Staff receives a list of new non-residential accounts monthly and screens them for possible Significant Industrial Users (SIUs). If a non-residential account fits the SIU criteria, the city notifies that user within 30 days of the determination. The potential SIUs are inspected using the most current Non-residential Inspection forms . Industrial Waste Surveys may also be completed. Information gathered during the interviews and on the questionnaires are compared with the IPP and the Categorical Industry List. The SIU is may then be permitted according to their status as adversely affecting the Wastewater Treatment Plant. Any revision to the Master List is made by the Pretreatment Staff.

A Local List of Manufacturers of Oklahoma is acquired from the Lawton Public Library and a list of businesses is acquired from the Chamber of Commerce on an annual basis. The list is screened for any additional manufacturers potential of fitting the SIU status.

New Significant Industrial Users

An industry that discharges 25,000 gallons per day of non-domestic process water and falls into the following classification - restaurants, bakeries, slaughterhouses, dairies, sugar processors, hospitals, grain mills, canned and preserved fruits and vegetable processors, or miscellaneous foods and beverage processors, is a potential SIU.

Upon notification of a potential Significant Industrial User, an Industrial Waste Survey is sent for completion and the new industry will be inspected to determine if they will be added to the program. A scheduled meeting will be held to explain the Industrial Pretreatment Program and its requirements.

After the determination that the industry is a Significant Industrial User**,** the IPP will sample for the pollutants listed in the local limitations and/or the pollutants presumed to be present. If any analysis has been accomplished prior to this determination, those results can be used to aid in the determination of the permitted pollutants. Re-sampling will not have to be accomplished if the Pretreatment Staff obtains enough information to establish permitted limitations.

A permit is sent to the new Significant Industrial User including such conditions as are reasonably deemed necessary to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal and protect against damage to the POTW.

Existing Significant Industrial Users

SIUs in the existing program are required to submit information concerning any transfer of ownership, change in product lines, alteration of discharge volume, flow rate or character of discharge, or any other factor that affects their discharge status to the POTW. These changes must be reported within five (5) days to the IPP and submitted in the required quarterly self-monitoring report. At this time, an update of the Industrial Waste Survey may be requested to include the change and be evaluated by the Pretreatment Staff. The IWS is also updated every five (5) years or sooner with the renewal of a discharge permit.

Wastewater Discharge Permits

All Significant Industrial Users are permitted by the City of Lawton. The permit is issued upon completion of the application, IWS, and specific inspections by the Pretreatment Staff.

Wastewater discharge permits must contain the following conditions:

1. Wastewater discharge permits shall be issued for a time period not to exceed five (5) years.

2. Wastewater discharge permits are issued to a specific Significant Industrial User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, a new significant industrial user, or for different premises.

3. The permit shall include the limitations of suspected pollutants and the specific pollutants

listed in the City ordinance 22-383 that will incur a quarterly surcharge for exceeding those limits.

4. The permit shall contain the self-monitoring sampling and reporting due dates, record keeping requirements, and the identification of pollutants to be monitored with sampling location, sampling frequency, and sample type based on Federal, State, and local law.

5. Any user which has violated or continues to violate the ordinance, any order or wastewater discharge permit hereunder, or any other pretreatment standards or requirements shall be liable for a civil penalty of $1000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

6. A requirement to control slug discharge if determined necessary pursuant to Section 22-3-3-318 of this article.

NOTIFICATION OF DISCHARGE STANDARDS

The City of Lawton Pretreatment Staff stays abreast of local, state and federal changes by attending meetings, conferences and training sessions. Upon establishment of discharge standards or receipt of notification of new or revised EPA Categorical Pretreatment Standards, the City shall notify all affected SIU's of the new or revised requirements. The City shall also notify industries of the Resource Conservation and Recovery Act (RCRA) requirements. Due to the relatively small number of SIUs located in the City of Lawton, the most effective procedures available is that of individual contact through written instructions. The Pretreatment Staff shall prepare the necessary written notification and instructions and issue a copy to each SIU permitted by the City. Additionally, a public hearing will be held to discuss any new local limits. All interested parties can be present to discuss the limitations. Due to anticipated unfamiliarity with the program, Significant Industrial Users will be provided with individual guidance and counseling concerning the technical aspects of the program by the Pretreatment Staff when requested by the SIU.

When new or revised Categorical Pretreatment Standards are mandated by EPA or ODEQ, the Pretreatment Staff will analyze the standards and determine which facilities in the City are affected. The SIUs shall be notified as outlined above. A SIU may contest the discharge standards or pretreatment requirements by addressing a formal letter or complaint to the Pretreatment Staff. If limits are unable to be met, the SIU must revise the mode of operation or construct pretreatment facilities. A compliance schedule will be issued to establish deadlines for milestones along with requirements of progress reports. The schedule will be established individually due to the variability of each compliance requirement, however, the time schedule for full compliance will be as short as possible.

YEARLY INSPECTIONS AND SAMPLING OF SIGNIFICANT USERS

The City of Lawton has developed procedures for monitoring the industrial users to determine compliance/non-compliance. The Significant Industrial User shall be inspected and monitored at least once per year by the Pretreatment Staff**.** The inspections shall be randomly selected; schedules of inspections shall not be generated. An industrial user may be inspected more than once per year if the Industrial Pretreatment Coordinator/Chief Chemist so determines. The actual inspections will be made by the Pretreatment Staff and any sample analysis other than pH will be performed by a commercial laboratory . The most current inspection form shall be used by the inspector to assist in performing a complete and impartial inspection of the discharger's facilities. Chain of custody forms are provided to be used in the sampling of SIU wastewater.

Sampling Significant Industrial Users

The permittee is responsible for maintaining a location for sampling and monitoring the effluent discharge from the permitted facility. The sampling location shall be available to personnel of the Industrial Pretreatment Staff on a twenty-four hour per day basis for compliance monitoring of the permitted facility. The SIU shall construct a sampling manhole outside the premises within 90 days of the effective date of the administered permit if a sampling point is not easily accessible.

All samples collected and analyzed must conform to the accepted methods in 40 CFR 136. Sample preservation and holding times will be used to prevent deterioration. Duplicates, spikes and known standards shall be analyzed with each analysis. Split samples may be analyzed by two laboratories upon the industry's request to aid in identifying discrepancies in analytical techniques and procedures. All costs associated with sampling and testing will be absorbed by the industry.

If a need to analyze toxic organics or total metals occurs, a contract or private laboratory will be used.

Demand sampling and industrial inspections are usually performed in response to a complaint or an emergency situation. Complaints from the public or reports from other agencies concerning discharges to the POTW system by an industrial user shall require demand sampling. Demand sampling may also be initiated if a change in the influent characteristics of the treatment plant occurs.

Sampling and Analysis Procedures

An automatic sampler shall be used to collect flow proportional composite samples during a 24 hour period or during the operations of the industry. The sampler may be programmed to sampler during non-operating hours to monitor shut-down operations. The sampler will be locked to prevent access by any other party.

Samples will be collected in a location that is easily accessible and provides a well-mixed waste-stream. Samples shall always be taken in the same location. Sampling points shall be located where no discharge other than that from the Industrial User or process being monitored is present.

Grab Samples - a single volume of wastewater; collected on pH, oil and grease, phenols, cyanides, volatile organic compounds and temperature.

Composite Samples - a collection of flow proportional samples collected individually at regular intervals over a specific time period. Each individual sample is combined with the others to form a representative sample. Time proportional samples may be collected only if background data has established that there is no significant difference between the two collection methods.

All samples must be properly preserved from the time they are collected until the time they are analyzed. When possible the preservation should be started upon first collection of composite sampling and not after samples are composited. Review the proper sampling containers and preservation to be used in accordance with 40 CFR 136.

Once an accurate sample has been collected, several steps should be taken to insure that the validity and objectivity of the monitoring operations are maintained.

Record the exact time, date, location, type of samples, method of collection, collector's initials, analysts initials and preservation. These procedures are called chain-of-custody procedures and should be recorded on the chain-of-custody.

Documentation of all pertinent data concerning the collection, preservation and transportation of

samples is critically important to the overall success of the pretreatment program, due to the fact that any sampling data might be used as evidence in court proceedings against a noncompliant industrial user. All monitoring data will be recorded in a bound notebook. A chain of custody card will be attached to each sample.

The chain of custody record will include the following information:

Name of Industry
Date
Time
Sampler Signatures
Analysis required
Preservatives added
Type of samples: Grab/Composite
No. of hours for composite
Sampler signature Date Time (sample was picked up)
Transferred to by Date Time
Analysis Performed by Date Time
Remarks

After collection, the samples will be taken to an Oklahoma Certified Laboratory for analysis After the initial analysis is completed and further testing is not required, the samples shall be disposed of by the analyzing laboratory.

Accuracy in analysis is accomplished by running blanks, spiked samples, duplicates and standards. Documentation of accuracy should be noted on every analysis by using % recovery and % difference when applicable.

Documentation is made for all testing performed on the report sheet for analysis provided by the laboratory. The documentation includes; method of analysis used, date and time of analysis, person performing the analysis, results of all parameters, and any remarks by the analyst.

If the Significant Industrial User is noncompliant, the industry can hire another laboratory to do further testing. All testing expenses are the responsibility of the Industry.

RECEIPT OF ANALYSIS OF SELF-MONITORING REPORTS

To determine the quantity and quality of the Significant Industrial User's discharges to the POTW, the City shall require every SIU on the Industrial Pretreatment Program to submit quarterly self-monitoring reports to the POTW for review by the Chief Chemist. The reports shall be submitted every year on or before January 10, April 10, July 10, and October 10. Parameters to be analyzed are contained in the SIU's individual permit. The report shall include the following:

Company Name & Address
Time & Date of Sampling
Location of Sampling Point
Name of Sampler
Date/Time of Analysis
Results of Analysis
Analysis Method
Person Responsible for Analysis
Flow at time of composite sampling

If sampling performed by the SIU indicates a violation of the permit, the SIU shall notify the Industrial Pretreatment Staff within twenty-four hours of becoming aware of the violation. The SIU shall repeat the sampling and analysis and submit the results of same to the Industrial Pretreatment Element within thirty days of notifying the Pretreatment Staff. Analysis of results of the report will be made by the Pretreatment Staff. Local Limitations and categorical limits, when applied, will be compared with the submitted test results to determine if a non-compliance status exists. SIU methods must also be in compliance with EPA Standards. Where the samples are taken will be determine if the combined wastestream formula is utilized.

If the POTW has assumed responsibility for sampling in lieu of the SIU, then the POTW must repeat sampling and analysis within 30 days of becoming aware of an exceedance unless the Director specifically requires the Industrial User to perform the repeat analysis.

Certification Statement

When submitting reports to the City, a data accuracy certification statement with authorized signature is required. The certification statement shall be signed by a responsible corporate officer, or an authorized representative of that individual. The responsible corporate officer includes the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function. If the Industrial User is a partnership or sole proprietorship the report will be signed by a partner or proprietor respectively. The data accuracy certification is to be submitted in the following manner:

I certify that under penalty of law that this document and all attachments were prepared under my direction and/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 a fine and imprisonment for knowing violations.

OTHER MONITORING REQUIREMENTS

The influent, effluent, and sludge from the POTW is analyzed semiannually for Priority Pollutants. The results of the Scan are compared to the Matrix of Priority Pollutants Potentially Discharged from Industrial Categories. The industries that have the potential to discharge the pollutant will be investigated. The investigation is conducted by computer print-out submitted by Computer Services, telephone call, letter or inspection.

The SIU shall control the discharge rate of process wastewater from the permitted facility to the sanitary sewer. SIUs will be evaluated for the need for a slug plan upon SIU designation. SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for a slug discharge. Evidence of Slug loadings will be investigated to find the origin. Slug discharges of process wastewater shall not be permitted without prior approval of the Industrial Pretreatment Staff**.**

Accidental Spill Prevention Plan

If the Director finds the need for the industrial user to develop an accidental spill plan, the plan will be developed within six months of the effective date of the permit. The accidental spill prevention plan will eliminate or minimize the accidental or slug discharge of pollutants into the sewer system, which could have an effect on the City's treatment plant, adversely affect the sludge, cause a health or safety hazard

to a City of Lawton employee or cause the City to violate its NPDES permit. The permittee shall notify the City immediately upon any accidental or slug discharge to the sanitary sewer as outlined in the prohibited discharges of the City's ordinance section 22-318 A. Formal written notification discussing circumstances and remedies shall be submitted to the City within 5 days of the occurrence.

Solvent Management Plan

Where allowed by the Federal Regulations, an industrial may/shall submit a toxic organic management plan. A STOMP should specify the toxic organic compounds used, the method of disposal, and procedures for insuring the toxic organic do not routinely spill or leak into the sanitary sewer system. The STOMP must be approved by the Industrial Pretreatment Element of the City of Lawton Public Works/Engineering Department before implementation can take place. The STOMP shall be updated and resubmitted whenever the procedures or chemicals are changed. All approved STOMPs shall be accompanied by a TTO analysis as described by the permit. Not all Categorical Users are allowed to submit a STOMP plan in lieu of analyzing for TTOs. Verification will be made and the Categorical Industry will be notified.

Concentrated and Hazardous Waste

The SIU is responsible for the proper disposal of all concentrated and/or hazardous waste, generated at the permitted facility in accordance with applicable local, state and federal regulations. The SIU shall take whatever actions are needed to prevent the discharge of concentrated and/or hazardous waste to the sanitary sewer system. The SIU shall maintain records of all hauled concentrated and/or hazardous waste for a minimum of the previous three years operation of the SIU facility.

NOTIFICATION OF NON-COMPLIANCE

If an industrial user is non-compliant by discharging any toxic pollutant that could or does adversely affect the Wastewater Plant, or is non-compliant by failure to submit a self-monitoring report, a letter of non-compliance will be forwarded by the Pretreatment Staff.

PUBLISHING SIGNIFICANT VIOLATORS

The Industrial Pretreatment Coordinator/Chief Chemist shall prepare annually a list of Industrial Users, which, during the preceding twelve months have significantly violated (in accordance with EPA Region 6 Criteria for Significant Violation) pretreatment requirements. This list is published annually in the largest newspaper in the municipality during the month designated in the POTW permit. The definition of a significant violation or significant violator is as follows:

1. Chronic violation of wastewater discharge limits, defined as those in which 66% or more of all wastewater measurements taken during a 6-month period exceed a numeric pretreatment standard or requirement, including instantaneous limits as defined by 40 CFR 403.3(1) for the same pollutant parameter.

2. Technical Review Criteria (TRC) violations, defined as those in which 33% or more of all of the wastewater measurements for each pollutant parameter taken during a 6-month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable criteria (TRC = 1.4 for BOD, TSS, fats, and oils and grease, and 1.2 for all other pollutants, except pH);

3. Any other violations of a pretreatment standard or requirement as defined by 40 CFR

403.3(1) (daily maximum, long-term average, instantaneous limit or narrative standard) that the Industrial Pretreatment Element of Public Works determines has caused, alone or in combination with other discharges, interference of pass through (including endangering the health of POTW personnel or the general public);

4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment and/or resulted in the POTW's exercise of its emergency authority under 40 CFR Part 403.8 to halt or prevent such a discharge;

5. Failure to meet, within 90 days after the scheduled date, compliance schedule milestones contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance;

6. Failure to provide, within 30 days after the due date, required reports such as Baseline Monitoring Reports, 90-day compliance reports, Periodic Self-monitoring Reports, and reports on compliance with compliance schedules;

7. Failure to accurately report noncompliance;

8. Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

PRETREATMENT COMPLIANCE MONITORING ANNUAL REPORT

The City will submit the Annual Status Report as required by the NPDES Permit every year in the month of March after the Significant Violators are published in the City's largest local newspaper. The following information shall be reported:

1. An updated list of all significant industrial users.

2. Standard Industrial Classification (SIC) code and categorical determination.

3. Control document status; if an industrial user has an effective control document, the date such document was last issued, reissued, or modified and indication of which industrial users were added to the system or newly identified within the previous 12 months will be included.

4. A summary of all monitoring activities performed, total number of inspections performed and total number of sampling visits made within the previous 12 months.

5. Status of compliance with both effluent limitations and reporting requirements defined as follows:

a. For significantly violating industrial users; indicate the nature of the violations, the type and number of actions taken (notice of violation, administrative order, criminal or civil suit, fines or penalties collected, etc.) and current compliance status. If any industrial user was on a schedule to attain compliance with effluent limits, indicate the date the schedule was issued and the date compliance is to be attained.

b. A list of all significant industrial users whose authorization to discharge was terminated or revoked during the preceding 12 month period and the reason for termination.

c. A report on any interference, pass through, upset or POTW permit violations known or suspected to be caused by industrial contributors and actions taken by the permittee in response.

d. The results of all influent, effluent and sludge analysis performed for the presence of the toxic pollutants listed in 40 CFR 122 Appendix D (NPDES Application Testing Requirements) Table II, at least once a year and the toxic pollutants in Table III, at least once every six months. If there is reason to suspect the presence of any toxic or hazardous pollutant listed in Table V, or any other pollutant, known or suspected to adversely affect treatment plant operation, receiving water quality, or solids disposal procedures, analysis for these pollutants shall be performed at least once every six (6) months on both the influent and effluent.

POTW PERMIT REQUIREMENTS

The Oklahoma Department of Environmental Quality (ODEQ), under authority of the United States Environmental Protection Agency (EPA), through issuance of a National Pollutant Discharge Elimination System (NPDES) permit requires the following limitations for the City of Lawton's Wastewater Treatment Plant:

Carbonaceous Biochemical Oxygen Demand: 10 mg/l (30 day average)/ 15 mg/l (7 day average)

Total Suspended Solids (TSS): 15 mg/l (30 day ave.)/ 22.5 (7 day ave.)

Fecal Coliform: 200/100 ml (30 day ave.) 400/100 ml (7 day ave.) (May-September)

Ammonia (NH3N): 2 mg/l(30 day ave.) 3 mg/l (7 day ave.) April 1 to October 31 3 mg/l(30-day ave.) 4.5 mg/l (7 day ave.) November 1 to March 31

Total Residual Chlorine: Instantaneous Maximum: No measurable

pH: 6.5 - 9.0 su

Dissolved Oxygen: min. 6.5 mg/l April 1 to October 31 min. 6.0 mg/l November 1 to March 31

Dichlorobromomethane: 10.34 ug/l(monthly average) 15.09 ug/l (daily maximum)

Biomonitoring: The toxicity test control (o% effluent) must have a survival equal to or greater than 80%.

ANNUAL PRETREATMENT BUDGET

The resources required to effectively operate an industrial pretreatment program include the following key elements:

Funding
Equipment
Manpower

Funding

The City of Lawton is financially stable and able to fund the required expenses associated with implementing the Industrial Pretreatment Program through the City of Lawton revenues (Enterprise Fund). The Enterprise Fund consists of water, wastewater and refuge revenues. The estimated revenues for the upcoming year 2010-2011 is approximately $35,651,548 . A surcharge of conventional pollutants is assessed to augment the funding of the Pretreatment Program. The funding is provided by the Wastewater Treatment Plant's operating budget. $38,500 is budgeted for the Laboratory/Equipment requirements of the Industrial Pretreatment Program. Each year the Director and/or Assistant Director Water/Wastewater will review the program needs and adjust budget requirements accordingly. These cost projections are based on manpower and equipment requirements as previously stated. The table below projects the program costs on an annual basis:

This section discusses only the resources required to implement the industrial pretreatment program. The costs to develop the program are not included. The Industrial Pretreatment Program was developed by in-house staff.

Projected Program Costs

Activities	Costs
Labor (Legal, Engineering, Public Works)	$192,900
Laboratory and Equipment	$38,500
Vehicle operation costs	$9000
Training	$3250
Total	$243,650

Equipment

The City of Lawton is equipped to implement the Industrial Pretreatment Program. Equipment used for the program:

Composite Sampler (3)
pH Meter (2)
Vehicles (3)
Chemical reagents

Manpower

The City of Lawton's Industrial Pretreatment Program plans to use the existing staff to implement the Pretreatment Program. Existing staff consists of the Industrial Pretreatment Coordinator/Chief Chemist, the Industrial Pretreatment Compliance Officer, the Industrial Pretreatment Inspector, the Grease Trap Inspector and one Laboratory Technician. In the event the program requires increases due to additional efforts required to monitor and control industrial users of the system, additional field and laboratory staff will be added. The table below represents the estimated manhours per year by specific labor activities:

Labor Activity	**Man-hour Estimates**

Legal	5
Inspections	4160
Monitoring	408
Engineering	16
Administrative	1900
Enforcement	1640

Total Man-hours = 8129 hours/year

Legal - More manhours could be needed if fines are assessed.

Monitoring - This includes sampling programs for 10 industries; the program currently monitors 5 industries, the other 5 are for anticipated industrial growth.

Engineering - Engineering is used in the Industrial Pretreatment Program to determine the Industrial Flow, review plans for new Industrial projects prepared by the Industrial Consulting Engineers and provide any other technical support when requested.

Administrative - The Industrial Pretreatment Coordinator/Chief Chemist's time is devoted to the Industrial Pretreatment Program. The Public Works/Engineering Director and Assistant Public Works Director Water/Wastewater uses an estimate of 80 manhours/year.

The table listed below was taken from the EPA Guidance Manual for the POTW Pretreatment Program Development. This is a chart for ranges of program personnel requirements:

POTW Flow Range (MGD)	Relative Number Of Indirect Dischargers	Range of Personnel Requirements
5	small	1-3
	large	2-5
5-25	small	2-4
	large	4-8
25-50	small	4-6
	large	8-10
50	small	6-8
	large	10-15
100	small	15-50

Based on this manpower table and the results of the IWS, the Lawton Industrial Pretreatment Program staffing remains as follows:

Industrial Pretreatment Coordinator/Chief Chemist ---------- 1
Industrial Pretreatment Compliance Officer ---------- 1
Industrial Pretreatment Inspector ---------- 1
Grease Trap Inspector_____1
Laboratory Technician (part-time) ---------- 1
(The full-time Wastewater Treatment Plant Laboratory
Technician assists the IPP when required.)

See the following Organizational Chart

ORGANIZATION AND STAFFING

The City of Lawton's Charter requires a governing body of eight Council members and one Mayor all serving three year terms. Administrative duties of the City are handled by the City Manager and his staff of Department Directors and subordinates.

PRETREATMENT ORGANIZATIONAL STRUCTURE

The City reviewed the pretreatment program requirements and analyzed the existing organization. It was decided to implement the program within the framework of the existing organizational structure. The program will be administered within the Department of Public Works/Engineering.

The Program responsibility to the City fathers - This function will be the responsibility of the Director of Public Works/Engineering, with administrative assistance given by the Assistant Director of Public Works (Water/Wastewater), he has access to the City Manager, Mayor and other key department directors such as the City Attorney and City Engineer. The Director reports to the City Manager and will apprise him of the program status, difficulties, etc. In the event legal assistance or technical advice is needed, these support functions can be provided to the Director by the City Attorney and Engineering Division.

Program Implementation, Management and Operations:

This function will be the direct responsibility of the Industrial Pretreatment Coordinator/Chief Chemist with the assistance of the Pretreatment Staff. The Industrial Pretreatment Coordinator/Chief Chemist is charged with the daily responsibilities of overseeing the program, compliance monitoring, record keeping, analysis, information disbursement and inspection. These responsibilities are to review, coordinate and manage the functions. When problems or non-compliance and other problems occur that cannot be resolved at this level, the director will be notified.

Industrial Monitoring:

This function is handled by the Industrial Pretreatment Coordinator/Chief Chemist, the Compliance Officer and the Inspector. The duties are to provide scheduled, spot and demand monitoring, industry inspection and effluent sampling. This is the sole function by which insuring the POTW remains in compliance with its NPDES permit and the industries remain in compliance with program requirements.

Laboratory Analysis:

This function is handled by an Oklahoma Certified Commercial Laboratory. pH analysis is

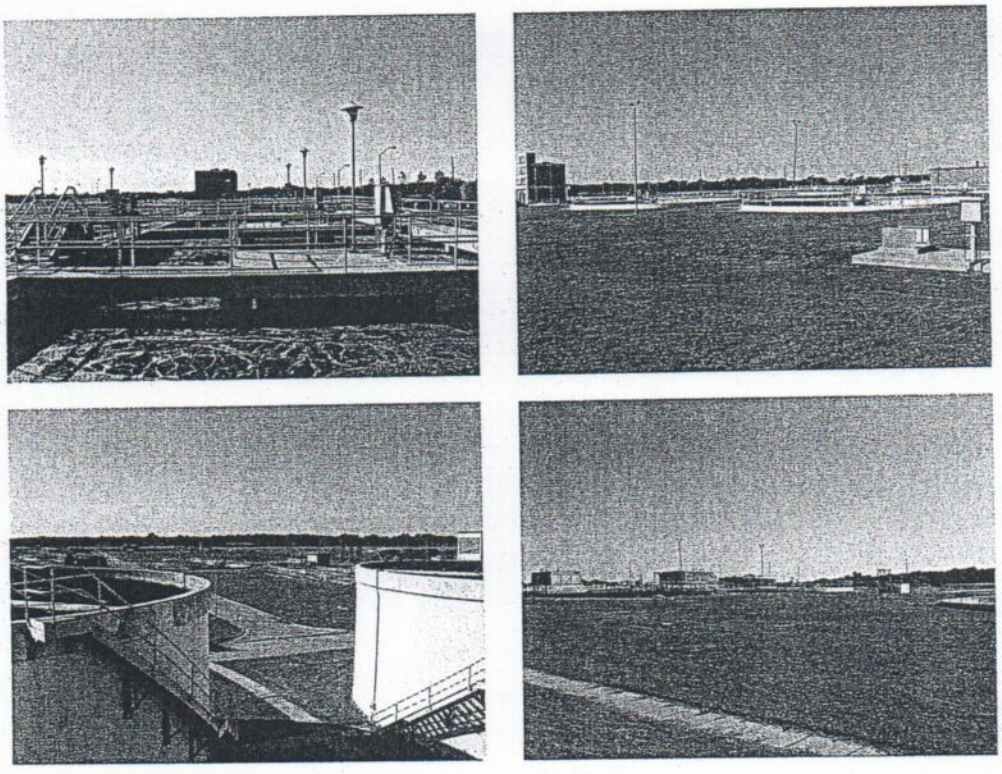
performed onsite by the Industrial Pretreatment Inspector or a member of the Industrial Pretreatment staff. The Industrial Pretreatment Coordinator/Chief Chemist will be charged with the duty of proper packaging and transportation of the samples to the commercial lab and review of lab results.

Support:

This function is handled by the City Attorney and Engineering Division. This function is available to the Director on a demand basis. The City Attorney will assist the Director when non-compliance situations arise that cannot be rectified by the Director or his subordinates. The Attorney will pursue such legal action as is required and allowed by City ordinance to correct noncomplying situations. The Engineering Division will respond to the Director in the areas of technical assistance and training. When a technical question arises relative to program implementation or establishment of discharge limitations, the Director may request assistance from the Engineering Division.

TECHNICALLY BASED LOCAL LIMITS

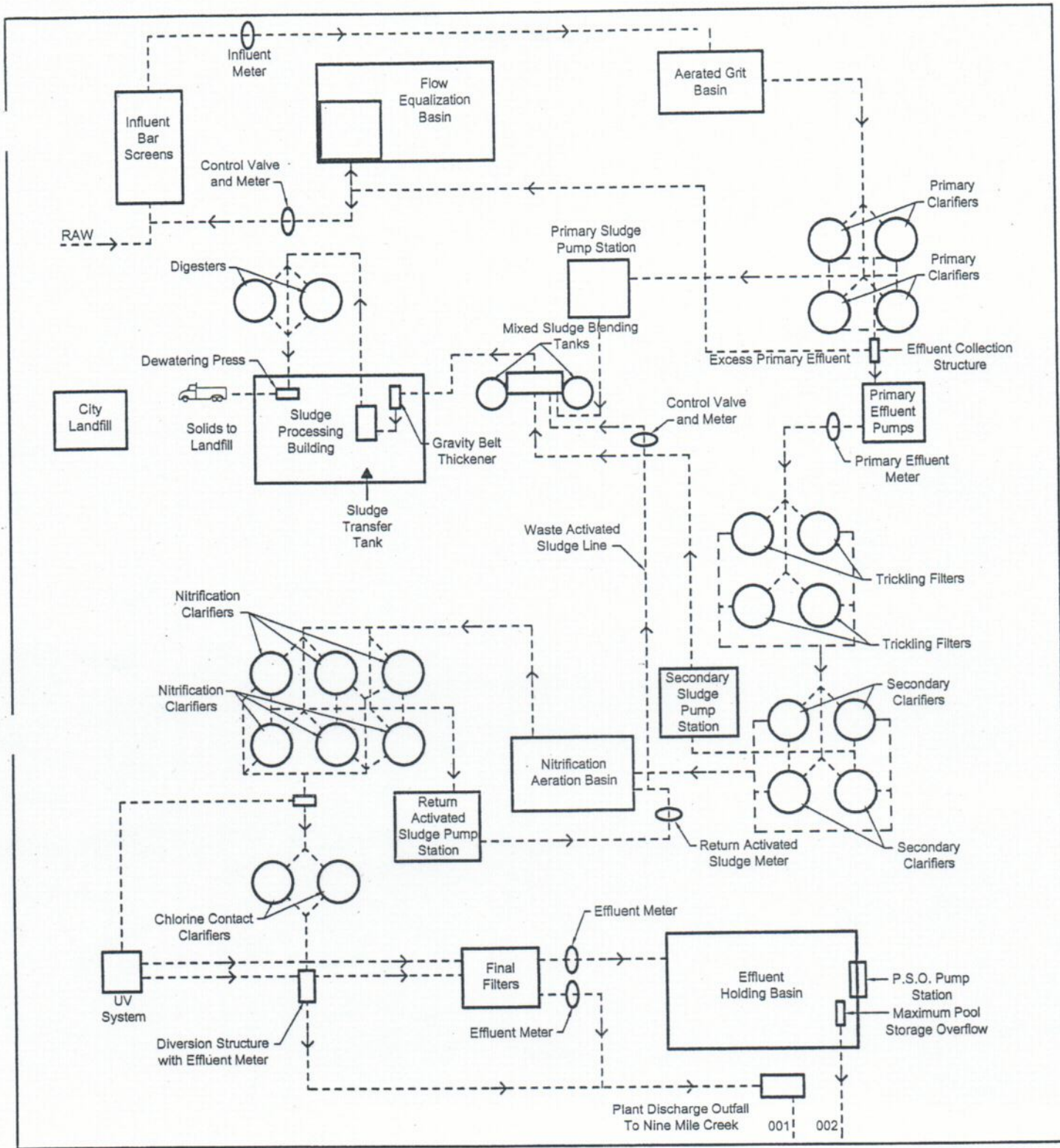
CITY OF LAWTON
COMANCHE COUNTY, OKLAHOMA
LAWTON LOCAL LIMITS
PROJECT NO: LAW-09-01
REVISED MAY 2010



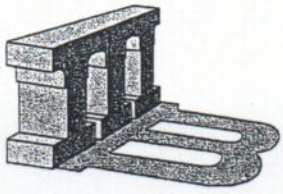
MEHLBURGER BRAWLEY

Certificate of Authorization # 5392
Expiration Date: 6/30/11

5500 N. WESTERN AVE., SUITE 215
OKLAHOMA CITY, OK 73118
(405) 848-5578
www.mehlburgerbrawley.com



LAWTON WASTEWATER TREATMENT PLANT PROCESS FLOW SCHEMATIC



MEHLBURGER BRAWLEY

THE MERGING OF NRS, INC

THE MEHLBURGER FIRM · BRAWLEY ENGINEERING CORP.

5500 N WESTERN AVENUE, SUITE 215
OKLAHOMA CITY, OK 73118
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CITY OF LAWTON
ENGINEERING REPORT
FOR
LOCAL LIMITS DEVELOPMENT

TABLE OF CONTENTS

I. INTRODUCTION

The City of Lawton, located in Comanche County, Oklahoma, was required by the Oklahoma Department of Environmental Quality (DEQ) to revise the Technically Based Local Limits (TBLL) for the Lawton Wastewater Treatment Plant (WWTP). In response, the City of Lawton retained Mehlburger Brawley, Inc. to direct and coordinate the required sampling and testing, prepare an Engineering Report detailing how the local limits were developed, and obtain DEQ approval of the Engineering Report. The TBLL were developed for Arsenic; Cadmium; Chromium; Copper; Cyanide; Lead; Mercury; Molybdenum; Nickel; Selenium; Silver; Zinc; Phenol; Biochemical Oxygen Demand (BOD_5); Total Suspended Solids (TSS); Dichlorobromomethane; Ammonia; Chloride; pH, and Fats, Oils, Grease (FOG). The TBLL were developed based on the Lawton WWTP's influent, effluent, and sludge data collected by the City of Lawton staff. The TBLL contained in this document were developed to address the following environmental concerns:

- Oklahoma Pollutant Discharge Elimination System (OPDES) Permit;
- Protection of the Oklahoma Water Quality;
- Wastewater Treatment Process Inhibition; and
- Protection of the WWTP's Sludge Quality.

The procedures used in developing the TBLL are discussed in this report.

II. WWTP BACKGROUND INFORMATION

The City of Lawton, Oklahoma, operates a WWTP that handles both domestic and non-domestic wastewater. The Lawton WWTP is located in the SW/4 of Section 28, T-1-N, R-11-W, I.M., Comanche County, Oklahoma. A location map is included in this report as Appendix 1.

The Lawton WWTP serves approximately 42 square miles incorporated within the City Limits of Lawton and a 140-acre residential area located on the Fort Sill Military Post. The Lawton WWTP currently serves a population of approximately 97,000 located in the City Limits of Lawton and Fort Sill.

The Lawton WWTP was designed to provide preliminary, primary, secondary, disinfection, filtration, and sludge treatment. A schematic of the Lawton WWTP is included in this report as Appendix 2. A description of the WWTP is as follows:

A. Lawton WWTP

The raw wastewater enters the plant influent pump station through a 60-inch discharge line. The wastewater flows through two mechanically cleaned, climber type bar screens, to screen the coarse materials from the wastewater. The

screenings are deposited on a conveyor belt which discharges to a dumpster for hauling to the city's landfill for disposal. The bar screen effluent flows to the influent pump wet well and is pumped through a MAG meter, which measures the influent flow, to the aerated grit basins.

The aerated grit basin consists of two (2) grit removal chambers, where grit removal is achieved. The settled grit is removed by grit pumps and discharged to grit washer hydrogritters. The grit is then classified, dewatered, and discharged into the grit container. The grit is then hauled to the city's landfill.

The wastewater then flows to the primary clarifier splitter box where the flow is split among the four (4) primary clarifiers. The influent flow enters the center of each clarifier through a pipe to a circular well which distributes the flow within each clarifier. The wastewater is detained in the primary clarifiers until a major portion of the suspended solids settle. The primary sludge is collected, in each clarifier, by a circular sludge collector. The sludge collector discharges the sludge to a hopper, where it is drawn off by the primary sludge pumps in the main sludge pump station and pumped to the wet well. The mixed sludge is pumped from the wet well across the gravity belt thickener to the anaerobic digesters. The scum that is skimmed off the liquid surface of the primary clarifiers by the skimmer blades is discharged into the effluent trough, where the scum flows by gravity to the Main Sludge Pump Station. The scum is then pumped, with the sludge, to the anaerobic digesters.

The effluent from the four (4) primary clarifiers flows into the primary effluent collection structure and then to the primary effluent pump station, which discharges to the trickling filters. The effluent from the trickling filters flows into the trickling filter effluent junction structure and the flow is split among the four (4) secondary clarifiers.

The secondary clarifier effluent flows to the activated sludge nitrification basin distribution channel, where the flow is split among the three (3) nitrification basins. The nitrification basins aerate the mixed liquor, through diffused aeration, creating activated/nitrified sludge. The mixed liquor flows from the nitrification basins into the nitrification effluent collection channel, which directs the mixed liquor through the nitrification effluent line to the six (6) Nitrification Clarifiers.

The mixed liquor is distributed into the circular nitrification clarifiers by the center feed and flocculation well. The nitrification clarifier effluent is discharged over weirs into the effluent launder, collected in the effluent Junction Structure, and then routed through to the disinfection contact basins or to the Ultraviolet (UV) structure. The settled nitrification clarifier sludge is collected by the circular sludge collector in each of the clarifiers. In addition, the collector also skims the scum from the surface of the nitrification clarifiers. The return activated sludge flows from the nitrification clarifiers to the Nitrification Sludge Pump Station. The

nine (9) return activated sludge (RAS) pumps discharge through a pipeline to the activated sludge nitrification basin influent as return sludge. A controlled quantity of the nitrification clarifier's sludge is wasted by gravity to the plant sludge blend tanks for thickening and then sent to the mixed sludge digester feed wet well. The mixed sludge is pumped from there to the anaerobic digesters.

The sludge is stabilized using anaerobic digestion. The sludge is heated in the digesters by pumping recirculated sludge through two (2) sludge heat exchangers, one (1) for each of the anaerobic digesters. All wasted sludge is mixed with recirculated sludge and heated prior to digestion. The two (2) digesters are equipped with gas mixing systems for mixing the digester contents. The gas from the digesters, which is produced during the digestion process, is withdrawn from each digester and compressed for subsequent distribution and use. The digester gas is utilized for the digester gas boiler operation and mixing systems. The excess digester gas is wasted by burning.

The digested sludge is pumped from the anaerobic digesters to the belt filter presses for dewatering. Polymers are added to the sludge at the belt presses to aid in the dewatering process. The dewatered sludge is removed and hauled by truck to the landfill for disposal. The water that is separated from the sludge at the belt filter presses is conveyed by the plant drain to the Influent Pump Station to be reprocessed through the plant.

The effluent flows to the Diversion Structure and into the Ultraviolet (UV) disinfection system. The effluent is pumped to the plant final filters which discharges into Nine-Mile Creek, a tributary of the East Cache Creek in the Red River Basin, or stored in the 163 million gallon capacity effluent holding basin. The City of Lawton is under contract with the Public Service Company of Oklahoma (PSO) for the sale of an average of 3.5 million gallons per day (MGD) of plant effluent. The effluent is pumped from the effluent holding basin by PSO to its Comanche Plant, where it is used as cooling water.

The design flow capacity of the Lawton WWTP is 18 MGD. Currently the average daily flow is approximately 12.9 MGD.

III. DATA COLLECTION

Mehlburger Brawley, Inc. provided the City of Lawton with a DEQ approved sampling plan. The sampling plan is included in this report as Appendix 3. Mehlburger Brawley, Inc. and the City of Lawton were allowed by DEQ to use the data from the last seven (7) samples collected and tested during the required sampling and testing for the Pretreatment Program. Sampling data was collected from the following sources:

- Table II and Table III Pollutants;
- Annual Sludge Analysis;

- Monthly Operational Reports (MOR);
- Domestic Sampling was located at manhole number MHC056020J, which is located in the middle of Big Green Soccer Field at Interstate 44 and East Lee Boulevard; and
- Significant Industrial Users (SIU) Outfall.

The sampling data is included in this report as Appendix 4.

A. Pollutants of Concern

A pollutant of concern is defined in this report as any pollutant that might reasonably be expected to be discharged to the WWTP in sufficient amounts to pass through or interfere with the works; contaminate its sludge; cause problems in the collection system; jeopardize its workers; or exceed the Water Quality Criteria or National Permit Discharge Elimination System (NPDES) Permit Limits. No pollutant except EPA pollutants of concern, Phenol, Oil and Grease, and Sulfide revealed an analytical result above 0.1 mg/l in the influent samples. The sampling results were omitted for FOG due to the fact that there are no criteria limiting FOG. The sampling results were omitted for Sulfide because it is believed that the Sulfide was in the form of Hydrogen Sulfide and the aeration basins were volatilizing the Hydrogen Sulfide. It was determined that the pollutants of concern for the Lawton WWTP were as follows:

- Arsenic;
- Cadmium;
- Chromium;
- Copper;
- Cyanide;
- Lead;
- Mercury;
- Molybdenum;
- Nickel;
- Selenium;
- Silver;
- Zinc;
- Phenol;
- BOD_5;
- TSS;
- Dichlorobromomethane;
- Ammonia;
- Chloride;
- pH and
- FOG

The results of the Table II, Table III, and MORs sampling data are included in the following tables:

Table 1. Influent Sampling Data

Pollutant	Date						
	5/22/06	11/6/06	5/21/07	11/12/07	5/12/08	11/10/08	5/4/09
Arsenic (mg/l)	0.0028	<0.0005	0.0034	<0.005	0.006	<0.01	<0.005
Cadmium (mg/l)	<0.0005	<0.0005	<0.0005	<0.001	<0.001	<0.001	<0.001
Chromium (mg/l)	0.0018	<0.0005	0.0059	<0.01	<0.01	<0.002	<0.01
Copper (mg/l)	0.16	0.017	0.1	<0.01	0.036	0.145	0.047
Cyanide (mg/l)	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01
Lead (mg/l)	0.0092	<0.0005	<0.0005	<0.005	<0.005	0.019	<0.005
Mercury (mg/l)	0.00022	0.00058	<0.0002	<0.0002	<0.0002	<0.0002	<0.0002
Molybdenum (mg/l)	0.011	<0.0005	0.0049	<0.01	<0.005	<0.003	<0.005
Nickel (mg/l)	0.0023	<0.0005	0.0069	<0.01	<0.01	0.007	<0.01
Selenium (mg/l)	<0.001	0.0058	0.0017	<0.005	<0.005	<0.005	<0.005
Silver (mg/l)	0.0026	<0.0005	0.0014	<0.002	<0.001	<0.002	<0.001
Zinc (mg/l)	0.24	0.093	0.17	<0.005	0.079	0.118	0.091
Phenol (mg/l)	<0.01	<0.01	<0.01	<0.01	0.0123	<0.014	0.12
Dichlorbromomethane (mg/l)	<0.005	<0.005	<0.005	<0.005	<0.005	<0.003	<0.005

Table 2. Effluent Sampling Data

Pollutant	Date						
	5/23/06	11/7/06	5/22/07	11/13/07	5/13/08	11/11/08	5/5/09
Arsenic (mg/l)	0.0018	<0.0005	0.0023	<0.005	<0.005	<0.01	<0.005
Cadmium (mg/l)	<0.0005	<0.0005	<0.0005	<0.001	<0.001	<0.001	<0.001
Chromium (mg/l)	<0.0005	<0.0005	<0.0005	<0.01	<0.01	<0.002	<0.01
Copper (mg/l)	0.0025	0.0014	0.0038	<0.01	<0.01	0.147	<0.01
Cyanide (mg/l)	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01
Lead (mg/l)	0.00056	<0.0005	<0.0005	<0.005	<0.005	<0.005	<0.005
Mercury (mg/l)	<0.0002	<0.0002	<0.0002	<0.0002	<0.0002	<0.0002	<0.0002
Molybdenum (mg/l)	0.0058	<0.0005	<0.0005	<0.01	<0.005	<0.003	<0.005
Nickel (mg/l)	<0.0005	<0.0005	0.0028	<0.01	<0.01	0.005	<0.01
Selenium (mg/l)	<0.001	<0.001	<0.001	<0.005	<0.005	<0.005	<0.005
Silver (mg/l)	<0.0005	<0.0005	<0.0005	<0.002	<0.001	<0.002	<0.001
Zinc (mg/l)	0.052	0.026	0.022	<0.005	0.006	0.034	0.022
Phenol (mg/l)	<0.01	<0.01	<0.01	<0.01	<0.0899	<0.014	0.02
Dichlorbromomethane (mg/l)	<0.005	<0.005	<0.005	<0.005	<0.005	<0.003	<0.005

Table 3. MOR Data (Influent)

Pollutant	Date						
	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09	Aug-09
BOD_5 (mg/l)*	330	229	133	125	131	190	202
TSS (mg/l)*	330	293	243	204	233	275	222
Ammonia (mg/l)*	20.73	16.19	19.72	13.31	16.41	17.92	19.61

Table 4. MOR Data (Effluent)

Pollutant	Date						
	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09	Aug-09
BOD_5 (mg/l)*	3.3	8	10.8	9.5	4	3.5	3.5
TSS (mg/l)*	12.5	19.74	25.66	21.07	11.24	9.49	7.05
Ammonia (mg/l)*	<0.0056	11.6281	18.4716	10.1702	<0.0056	<0.3407	1.6087

*The monthly average was used from each MOR.

Table 5. Lawton Sludge Data

Pollutant	Pollutant Level (mg/kg)
Arsenic	3.6
Cadmium	1.2
Chromium	23
Copper	390
Lead	44.4
Mercury	1.43
Molybdenum	14.7
Nickel	18.2
Selenium	<2.09
Silver	7.1
Zinc	655

Table 6. Influent Chloride Data

Pollutant	Date						
	4/2/10	4/3/10	4/4/10	4/5/10	4/6/10	4/7/10	4/8/10
Chloride (mg/l)	113	119	104	105	117	135	118

Table 7. Effluent Chloride Data

Pollutant	Date						
	4/3/10	4/4/10	4/5/10	4/6/10	4/7/10	4/8/10	4/9/10
Chloride (mg/l)	111	114	103	113	122	122	119

IV. REPRESENTATION OF REMOVAL EFFICIENCIES

The removal efficiencies for the Lawton WWTP were calculated using the data from the last seven (7) samples collected from the Pretreatment Program, MORs and ongoing sampling. The average daily removal efficiencies and the mean removal efficiencies were calculated for each pollutant. If the effluent concentration was Below the Practical Quantitative Limit (BPQL), the value of one half of the detection limit was used per Section 5.1.3 of the local limits Development Guidance Manual. The daily removal efficiencies were calculated using the following equation:

$$R_{WWTP} = \frac{\sum(L_N - E_{WWTP,N})/L_N}{N}$$

Where:

R_{WWTP}	=	Average Daily Plant Removal Efficiency from the Headworks to the Effluent.
L_N	=	WWTP Influent Pollutant Concentration at the Headworks, mg/l.
$E_{WWTP,N}$	=	WWTP Effluent Pollutant Concentrations.
N	=	Total Number of Paired Observations.

The average daily removal efficiency for Arsenic was calculated as shown below:

L_N	=	0.0005 mg/l
$E_{WWTP,TN}$	=	0.00025 mg/l
N	=	1

$$R_{WWTP} = \frac{\sum(0.0005 - 0.00025)/0.0005}{1}$$

$$R_{WWTP} = 50.00\%$$

The removal efficiencies for each pollutant are included in the following table:

Table 8. Daily Influent, Effluent, and Removal Efficiency Data

POLLUTANT	DATE	CONCENTRATIONS (mg/l)		REMOVAL EFFICIENCY (%)
		INFLUENT	EFFLUENT	
Arsenic	May 22-23, 2006	0.00280	0.00180	35.71
	Nov 6-7, 2006	0.00050	0.00025	50.00
	May 21-22, 2007	0.00340	0.00230	32.35
	Nov 12-13, 2007	0.00500	0.00250	50.00
	May 12-13, 2008	0.00600	0.00250	58.33
	Nov 10-11, 2008	0.01000	0.00500	50.00
	May 4-5, 2009	0.00500	0.00250	50.00
	Average	0.00467	0.00241	46.63
POLLUTANT	DATE	CONCENTRATIONS (mg/l)		REMOVAL EFFICIENCY (%)
		INFLUENT	EFFLUENT	
Cadmium	May 22-23, 2006	0.00050	0.00025	50.00
	Nov 6-7, 2006	0.00050	0.00025	50.00
	May 21-22, 2007	0.00050	0.00025	50.00
	Nov 12-13, 2007	0.00100	0.00050	50.00
	May 12-13, 2008	0.00100	0.00050	50.00
	Nov 10-11, 2008	0.00100	0.00050	50.00
	May 4-5, 2009	0.00100	0.00050	50.00
	Average	0.00079	0.00039	50.00
POLLUTANT	DATE	CONCENTRATIONS (mg/l)		REMOVAL EFFICIENCY (%)
		INFLUENT	EFFLUENT	
Chromium	May 22-23, 2006	0.00180	0.00025	86.11
	Nov 6-7, 2006	0.00050	0.00025	50.00
	May 21-22, 2007	0.00590	0.00025	95.76
	Nov 12-13, 2007	0.01000	0.00500	50.00
	May 12-13, 2008	0.01000	0.00500	50.00
	Nov 10-11, 2008	0.00200	0.00100	50.00
	May 4-5, 2009	0.01000	0.00500	50.00
	Average	0.00574	0.00239	61.70
POLLUTANT	DATE	CONCENTRATIONS (mg/l)		REMOVAL EFFICIENCY (%)
		INFLUENT	EFFLUENT	
Copper	May 22-23, 2006	0.16000	0.00250	98.44
	Nov 6-7, 2006	0.01700	0.00140	91.76
	May 21-22, 2007	0.10000	0.00380	96.20
	Nov 12-13, 2007	0.01000	0.00500	50.00
	May 12-13, 2008	0.03600	0.00500	86.11
	Nov 10-11, 2008	0.14500	0.14700	-1.38
	May 4-5, 2009	0.04700	0.00500	89.36
	Average	0.06167	0.00378	85.32

POLLUTANT	DATE	CONCENTRATIONS (mg/l)		REMOVAL EFFICIENCY (%)
		INFLUENT	EFFLUENT	
Cyanide	May 22-23, 2006	0.01000	0.00500	50.00
	Nov 6-7, 2006	0.01000	0.00500	50.00
	May 21-22, 2007	0.01000	0.00500	50.00
	Nov 12-13, 2007	0.01000	0.00500	50.00
	May 12-13, 2008	0.01000	0.00500	50.00
	Nov 10-11, 2008	0.01000	0.00500	50.00
	May 4-5, 2009	0.01000	0.00500	50.00
	Average	0.01000	0.00500	50.00
POLLUTANT	DATE	CONCENTRATIONS (mg/l)		REMOVAL EFFICIENCY (%)
		INFLUENT	EFFLUENT	
Lead	May 22-23, 2006	0.00920	0.00056	93.91
	Nov 6-7, 2006	0.00050	0.00025	50.00
	May 21-22, 2007	0.00050	0.00025	50.00
	Nov 12-13, 2007	0.00500	0.00250	50.00
	May 12-13, 2008	0.00500	0.00250	50.00
	Nov 10-11, 2008	0.01900	0.00250	86.84
	May 4-5, 2009	0.00500	0.00250	50.00
	Average	0.00631	0.00158	61.54
POLLUTANT	DATE	CONCENTRATIONS (mg/l)		REMOVAL EFFICIENCY (%)
		INFLUENT	EFFLUENT	
Mercury	May 22-23, 2006	0.00022	0.00010	54.55
	Nov 6-7, 2006	0.00058	0.00010	82.76
	May 21-22, 2007	0.00020	0.00010	50.00
	Nov 12-13, 2007	0.00020	0.00010	50.00
	May 12-13, 2008	0.00020	0.00010	50.00
	Nov 10-11, 2008	0.00020	0.00010	50.00
	May 4-5, 2009	0.00020	0.00010	50.00
	Average	0.00026	0.00010	55.33
POLLUTANT	DATE	CONCENTRATIONS (mg/l)		REMOVAL EFFICIENCY (%)
		INFLUENT	EFFLUENT	
Molybdenum	May 22-23, 2006	0.01100	0.00580	47.27
	Nov 6-7, 2006	0.00050	0.00025	50.00
	May 21-22, 2007	0.00490	0.00025	94.90
	Nov 12-13, 2007	0.01000	0.00500	50.00
	May 12-13, 2008	0.00500	0.00250	50.00
	Nov 10-11, 2008	0.00300	0.00150	50.00
	May 4-5, 2009	0.00500	0.00250	50.00
	Average	0.00490	0.00251	56.03

POLLUTANT	DATE	CONCENTRATIONS (mg/l)		REMOVAL EFFICIENCY (%)
		INFLUENT	EFFLUENT	
Nickel	May 22-23, 2006	0.00230	0.00025	89.13
	Nov 6-7, 2006	0.00050	0.00025	50.00
	May 21-22, 2007	0.00690	0.00280	59.42
	Nov 12-13, 2007	0.01000	0.00500	50.00
	May 12-13, 2008	0.01000	0.00500	50.00
	Nov 10-11, 2008	0.00700	0.00500	28.57
	May 4-5, 2009	0.01000	0.00500	50.00
	Average	0.00740	0.00384	53.88
POLLUTANT	DATE	CONCENTRATIONS (mg/l)		REMOVAL EFFICIENCY (%)
		INFLUENT	EFFLUENT	
Selenium	May 22-23, 2006	0.00100	0.00050	50.00
	Nov 6-7, 2006	0.00580	0.00050	91.38
	May 21-22, 2007	0.00170	0.00050	70.59
	Nov 12-13, 2007	0.00500	0.00250	50.00
	May 12-13, 2008	0.00500	0.00250	50.00
	Nov 10-11, 2008	0.00500	0.00250	50.00
	May 4-5, 2009	0.00500	0.00250	50.00
	Average	0.00407	0.00164	58.86
POLLUTANT	DATE	CONCENTRATIONS (mg/l)		REMOVAL EFFICIENCY (%)
		INFLUENT	EFFLUENT	
Silver	May 22-23, 2006	0.00260	0.00025	90.38
	Nov 6-7, 2006	0.00050	0.00025	50.00
	May 21-22, 2007	0.00140	0.00025	82.14
	Nov 12-13, 2007	0.00200	0.00100	50.00
	May 12-13, 2008	0.00100	0.00050	50.00
	Nov 10-11, 2008	0.00200	0.00100	50.00
	May 4-5, 2009	0.00100	0.00050	50.00
	Average	0.00150	0.00054	60.37
POLLUTANT	DATE	CONCENTRATIONS (mg/l)		REMOVAL EFFICIENCY (%)
		INFLUENT	EFFLUENT	
Zinc	May 22-23, 2006	0.24000	0.05200	78.33
	Nov 6-7, 2006	0.09300	0.02600	72.04
	May 21-22, 2007	0.17000	0.02200	87.06
	Nov 12-13, 2007	0.00500	0.00025	95.00
	May 12-13, 2008	0.07900	0.00600	92.41
	Nov 10-11, 2008	0.11800	0.03400	71.19
	May 4-5, 2009	0.09100	0.02200	75.82
	Average	0.11371	0.02318	81.70

POLLUTANT	DATE	CONCENTRATIONS (mg/l)		REMOVAL EFFICIENCY (%)
		INFLUENT	EFFLUENT	
Phenol	May 22-23, 2006	0.0100	0.0050	50.00
	Nov 6-7, 2006	0.0100	0.0050	50.00
	May 21-22, 2007	0.0100	0.0050	50.00
	Nov 12-13, 2007	0.0100	0.0050	50.00
	May 12-13, 2008	0.0123	0.0450	-265.45
	Nov 10-11, 2008	0.0140	0.0070	50.00
	May 4-5, 2009	0.1200	0.0100	91.67
	Average	0.0290	0.0062	56.95
POLLUTANT	DATE	CONCENTRATIONS (mg/l)		REMOVAL EFFICIENCY (%)
		INFLUENT	EFFLUENT	
BOD_5	Feb-09	330.0	3.3	99.00
	Mar-09	229.0	8.0	96.51
	Apr-09	133.0	10.8	91.88
	May-09	125.0	9.5	92.40
	Jun-09	131.0	4.0	96.95
	Jul-09	190.0	3.5	98.16
	Aug-09	202.0	3.5	98.27
	Average	191.4	6.1	96.17
POLLUTANT	DATE	CONCENTRATIONS (mg/l)		REMOVAL EFFICIENCY (%)
		INFLUENT	EFFLUENT	
TSS	Feb-09	330.00	12.50	96.21
	Mar-09	293.00	19.74	93.26
	Apr-09	243.00	25.66	89.44
	May-09	204.00	21.07	89.67
	Jun-09	233.00	11.24	95.18
	Jul-09	275.00	9.49	96.55
	Aug-09	222.00	7.05	96.82
	Average	257.14	15.25	93.88
POLLUTANT	DATE	CONCENTRATIONS (mg/l)		REMOVAL EFFICIENCY (%)
		INFLUENT	EFFLUENT	
Dichlorbromomethane	May 22-23, 2006	0.005	0.0025	50.00
	Nov 6-7, 2006	0.005	0.0025	50.00
	May 21-22, 2007	0.005	0.0025	50.00
	Nov 12-13, 2007	0.005	0.0025	50.00
	May 12-13, 2008	0.005	0.0025	50.00
	Nov 10-11, 2008	0.003	0.0015	50.00
	May 4-5, 2009	0.005	0.0025	50.00
	Average	0.005	0.0024	50.00

POLLUTANT	DATE	CONCENTRATIONS (mg/l)		REMOVAL EFFICIENCY (%)
		INFLUENT	EFFLUENT	
Ammonia	Feb-09	20.730	0.006	99.97
	Mar-09	16.190	11.628	28.18
	Apr-09	19.720	18.472	6.33
	May-09	13.310	10.170	23.59
	Jun-09	16.410	0.006	99.97
	Jul-09	17.920	0.170	99.05
	Aug-09	19.610	1.609	91.80
	Average	18.878	4.052	79.43
POLLUTANT	DATE	CONCENTRATIONS (mg/l)		REMOVAL EFFICIENCY (%)
		INFLUENT	EFFLUENT	
Chloride	Apr 2-3, 2010	113.000	111.000	1.77
	Apr 3-4, 2010	119.000	114.000	4.20
	Apr 4-5, 2010	104.000	103.000	0.96
	Apr 5-6, 2010	105.000	113.000	-7.62
	Apr 6-7, 2010	117.000	122.000	-4.27
	Apr 7-8, 2010	135.000	122.000	9.63
	Apr 8-9, 2010	118.000	119.000	-0.85
	Average	117.400	115.400	4.15

The mean removal efficiency for each pollutant was calculated using the following equation:

$$R_{WWTP}=\frac{L_R-E_{WWTP,T}}{L_R}$$

Where:

R_{WWTP} = Plant Removal Efficiency from the Headworks to the Effluent, as a percent.

L_R = Average WWTP Influent Pollutant Concentration at the Headworks, mg/l.

$E_{WWTP,T}$ = Average WWTP Effluent Pollutant Concentrations.

The mean removal efficiency for Arsenic was calculated as shown below:

L_R = 0.00267 mg/l

$E_{WWTP,T}$ = 0.00141 mg/l

$$R_{WWTP} = \left(\frac{(0.00267 - 0.00141)}{0.00267}\right) * 100$$

$$R_{WWTP} = 47.33\%$$

The mean removal efficiencies for each pollutant are included in the following table:

Table 9. Mean Removal Efficiencies

Pollutant	Mean Removal Efficiency (%)
Arsenic	48.48
Cadmium	50.00
Chromium	58.34
Copper	93.87
Cyanide	50.00
Lead	74.98
Mercury	61.12
Molybdenum	48.78
Nickel	48.09
Selenium	59.65
Silver	64.29
Zinc	79.62
Phenol	78.74
BOD_5	96.83
TSS	94.07
Dichlorbromomethane	50.00
Ammonia	78.54
Chloride	1.71

After the average daily removal efficiencies and the mean removal efficiencies were calculated, the representative removal efficiencies were determined. The representative removal efficiencies for the Lawton WWTP, for each pollutant were the most conservative of the average daily removal efficiencies and the mean removal efficiencies. The representative removal efficiencies are included in the following table:

Table 10. Representative Removal Efficiencies

Pollutant	Representative Removal Efficiencies (%)
Arsenic	46.63
Cadmium	50.00
Chromium	58.34
Copper	85.32
Cyanide	50.00
Lead	61.54
Mercury	55.33
Molybdenum	48.78
Nickel	48.09
Selenium	58.86
Silver	60.37
Zinc	79.62
Phenol	56.95
BOD_5	96.17
TSS	93.88
Dichlorbromomethane	50.00
Ammonia	78.54
Chloride	1.71

The following table lists all of the identified POCs that are listed in Local Limits Development Guidance, Appendix R, for removal efficiencies through primary treatment.

Table 11. Removal Efficiencies Across Primary Treatment

Pollutant	Removal Efficiencies (%)
Arsenic	10.0
Cadmium	15.0
Chromium	27.0
Copper	22.0
Cyanide	27.0
Lead	57.0
Mercury	10.0
Nickel	14.0
Silver	20.0
Zinc	27.0
Phenol	8.0
Chloride**	0.0

**A removal efficiency of 0% was used for chloride due to the fact that the chloride will be dissolved in the wastewater and will not be removed across primary treatment.

V. CALCULATION OF ALLOWABLE HEADWORKS LOADINGS

After obtaining the removal efficiency data, the allowable headworks loadings (AHL) were calculated, based on the following criteria:

- OPDES Permit Limits;
- Oklahoma Water Quality Standards;
- Activated Sludge Inhibition;
- Trickling Filter Inhibition;
- Nitrification Inhibition;
- Anaerobic Sludge Digestion Inhibition Data; and
- Sludge Disposal Criteria.

The calculation of the AHL for each of the above-listed criteria is discussed in the following subsections.

A. OPDES Permit Limits

The effluent from the Lawton WWTP is discharged into Nine Mile Creek, a tributary of the East Cache Creek in the Red River Basin, or stored in the 163 MG capacity effluent holding basin. The OPDES Permit for the Lawton WWTP contains limitations for BOD_5, TSS, and Dichlorobromomethane. Therefore, it was only necessary to calculate the AHL_{OPDES} for BOD_5, TSS, and Dichlorobromomethane based on the OPDES Permit. A copy of the OPDES permit is included in Appendix 5. The AHL_{OPDES} is calculated using the following equation:

$$AHL_{OPDES} = \frac{8.34 * C_{OPDES} * Q_{WWTP}}{1 - R_{WWTP}}$$

Where:

AHL_{OPDES}	=	AHL based on OPDES permit limit, lb/day.
C_{OPDES}	=	OPDES permit limit, mg/l.
Q_{WWTP}	=	WWTP average flow rate (annual average), MGD.
R_{WWTP}	=	Plant removal efficiency from headworks to plant effluent, as a decimal.
8.34	=	Conversion factor.

The AHL_{OPDES} for BOD_5 was calculated as shown below:

C_{OPDES} = 10.0 mg/l
Q_{WWTP} = 12.9 MGD
R_{WWTP} = 0.9644

$$AHL_{OPDES} = \frac{8.34 * 10 * 12.9}{1 - 0.9644}$$

$$AHL_{OPDES} = 30{,}220.8 \frac{lbs}{day}$$

The allowable headworks loadings are included in the following table:

Table 12. AHL_{OPDES}

Pollutant	AHL (lbs/day)
BOD_5	28090.3
TSS	26369.1
Dichlorbromomethane	2.2

B. Oklahoma Limits

The Oklahoma Limits (Water Quality Based Effluent Limits for All Pollutants with State Numerical Criteria) were used to determine the allowable headworks loadings based on water quality. The Oklahoma Limits (OK Limits) were provided by The City of Lawton and are included in this report as Appendix 6. The allowable headworks loadings based on OK Limits were calculated using the following equation:

$$AHL_{OKLIMITS} = \frac{8.34 * C_{OKLIMIT} * Q_{WWTP}}{1 - R_{WWTP}}$$

Where:

$AHL_{OKLIMITS}$ = AHL based on OK Limits, lb/day.
$C_{OKLIMIT}$ = OK Limit, mg/l.
Q_{WWTP} = WWTP average flow rate, MGD.
R_{WWTP} = Plant removal efficiency from headworks to plant effluent, as a decimal.
8.34 = Conversion factor.

The $AHL_{OKLIMITS}$ for Arsenic was calculated as shown below:

$C_{OKLIMIT}$ = 0.0465 mg/l
Q_{WWTP} = 12.9 MGD
R_{WWTP} = 0.4663

$$AHL_{OKLIMITS} = \frac{8.34 * 0.0465 * 12.9}{1 - 0.4663}$$

$$AHL_{OKLIMITS} = 9.4 \frac{lbs}{day}$$

The allowable headworks loading are included in the following table:

Table 13. $AHL_{OKLIMITS}$

Pollutant	Monthly Average Limit (mg/l)	AHL (lbs/day)
Arsenic	0.0465	9.4
Cadmium	0.0028	0.6
Chromium	0.0563	14.5
Copper	0.0335	24.5
Cyanide	0.0121	2.6
Lead	0.0058	1.6
Mercury	0.00006	0.01
Nickel	0.4092	84.8
Selenium	0.0056	1.5
Silver	0.0546	14.8
Zinc	0.2754	145.4
Phenol	24.2904	6070.4
Dichlorbromomethane	0.0022	0.5

C. Activated Sludge Inhibition

The Allowable Headworks Loading for Activated Sludge Inhibition ($AHL_{ACTIVATED}$) was calculated using the following equation:

$$AHL_{ACTIVATED} = 8.34 * C_{CRIT} * Q_{WWTP}$$

Where:

$AHL_{ACTIVATED}$ = AHL based on Activated Sludge Inhibition, lb/day.
C_{CRIT} = Inhibition Criterion for Secondary Treatment, mg/l.
Q_{WWTP} = WWTP average flow rate, MGD.
8.34 = Conversion factor.

The Inhibition Criterion for Secondary Treatment (C_{CRIT}) was found in Appendix G – Literature Inhibition Values in the Local Limits Development Guidance Appendices. All of the identified POCs that were listed in Appendix G are included in the following table:

Table 14. Activated Sludge Inhibition Levels

Pollutant	Inhibition Level (mg/l)
Arsenic	0.1
Cadmium	1
Chromium	1
Copper	1
Cyanide	0.1
Lead	1
Mercury	0.1
Nickel	1
Silver	0.25
Zinc	0.3
Phenol	50
Ammonia	480

The $AHL_{ACTIVATED}$ for Arsenic was calculated as shown below:

C_{CRIT} = 0.1 mg/l
Q_{WWTP} = 12.9 MGD

$$AHL_{ACTIVATED} = (8.34 * 0.1 * 12.9)$$

$$AHL_{ACTIVATED} = 10.8 \frac{lbs}{day}$$

The allowable headworks loadings are shown in the following table:

Table 15. $AHL_{ACTIVATED}$

Pollutant	AHL (lb/day)
Arsenic	10.8
Cadmium	107.6
Chromium	107.6
Copper	107.6
Cyanide	10.8
Lead	107.6
Mercury	10.8
Nickel	107.6
Silver	26.9
Zinc	32.3
Phenol	5379.3
Ammonia	51641.3

D. Anaerobic Sludge Digester Inhibition

Sludge digestion is a biological process that can be upset if pollutants are allowed to accumulate to toxic levels. Currently the literature data on sludge digestion inhibition indicates inhibition levels for anaerobic digesters. The following equation was used to calculate the anaerobic sludge digester inhibition:

$$AHL_{ANAEROBIC} = \frac{(8.34 * C_{CRIT} * Q_{DIG})}{R_{WWTP}}$$

Where:

$AHL_{ANAEROBIC}$	=	Allowable Headworks Loading, lb/day.
C_{CRIT}	=	Threshold Inhibition Levels, mg/l.
Q_{DIG}	=	Sludge Flow to Digesters, MGD.
R_{WWTP}	=	Plant removal efficiency from headworks to plant effluent, as a decimal.
8.34	=	Conversion factor.

The C_{CRIT} values were taken from Appendix G of the Local Limits Development Guidance Manual. Appendix G does not list threshold inhibition levels for chromium, mercury, or chloride. Therefore, the threshold inhibition levels for these pollutants were selected from Table 2-1 of the Guidance Manual for Preventing Interference at Publicly Owned Treatment Works (POTWs). All of the identified POCs found in the above documents are included in the following table:

Table 16. Anaerobic Sludge Digester Inhibition Levels

Pollutant	Inhibition Level (mg/l)
Arsenic	1.6
Cadmium	20
Chromium	110
Copper	40
Cyanide	4
Lead	340
Mercury	1400
Nickel	10
Silver	13
Zinc	400
Ammonia	2250
Chloride	20000

The $AHL_{ANAEROBIC}$ for Arsenic was calculated as shown below:

C_{CRIT} = 1.6 mg/l
Q_{DIG} = 0.11414 MGD
R_{WWTP} = 0.4664

$$AHL_{ANAEROBIC} = \frac{(8.34 * 1.6 * 0.11414)}{0.4664}$$

$$AHL_{ANAEROBIC} = 3.3$$

The allowable headworks loading are shown in the following table:

Table 17. $AHL_{ANAEROBIC}$

Pollutant	AHL (lb/day)
Arsenic	3.3
Cadmium	38.1
Chromium	179.5
Copper	44.6
Cyanide	7.6
Lead	525.9
Mercury	2408.6
Nickel	19.8
Silver	20.5
Zinc	478.2
Ammonia	2727.1
Chloride	1113365.6

E. Trickling Filter Inhibition

The following equation was used to calculate the allowable headworks loadings for the trickling filter inhibition:

$$AHL_{TRICKLING} = \frac{(8.34 * C_{IN} * Q_{WWTP})}{(1 - R_{PRIM})}$$

Where:

$AHL_{TRICKLING}$	=	Allowable Headworks Loading, lb/day.
C_{IN}	=	Threshold Inhibition Levels, mg/l.
Q_{WWTP}	=	WWTP average flow rate, MGD.
R_{PRIM}	=	Plant removal efficiency across primary treatment, as a decimal.
8.34	=	Conversion factor.

The C_{IN} values were taken from Appendix G of the Local Limit Development Guidance Appendices. All of the identified POCs found in Appendix G are included in the following table:

Table 18. Trickling Filter Inhibition Levels

Pollutant	Inhibition Level (mg/l)
Chromium	3.5
Cyanide	30

The $AHL_{TRICKLING}$ for Chromium was calculated as shown below:

C_{IN}	=	3.5, mg/l
Q_{WWTP}	=	12.9, MGD
R_{PRIM}	=	0.27

$$AHL_{TRICKLING} = \frac{(8.34 * 3.5 * 12.9)}{(1 - 0.27)}$$

$$AHL_{TRICKLING} = 515.8$$

The allowable headworks loadings are included in the following table:

Table 19. $AHL_{TRICKLING}$

Pollutant	AHL (lb/day)
Chromium	515.8
Cyanide	4421.3

F. Nitrification Inhibition

The following equation was used to calculate the allowable headworks loadings for the nitrification inhibition:

$$AHL_{NITRIFICATION} = \frac{(8.34 * C_{IN} * Q_{WWTP})}{(1 - R_{PRIM})}$$

Where:

$AHL_{NITRIFICATION}$	=	Allowable Headworks Loading, lb/day.
C_{IN}	=	Threshold Inhibition Levels, mg/l.
Q_{WWTP}	=	WWTP average flow rate, MGD.
R_{PRIM}	=	Plant removal efficiency across primary treatment, as a decimal.
8.34	=	Conversion factor.

The C_{IN} values were taken from Appendix G of the Local Limit Development Guidance Appendices. These values are included in the following table:

Table 20. Nitrification Inhibition Levels

Pollutant	Inhibition Level (mg/l)
Arsenic	1.5
Cadmium	5.2
Chromium	0.25
Copper	0.1
Cyanide	0.34
Lead	0.5
Nickel	0.25
Zinc	0.15
Chloride	180

The $AHL_{NITRIFICATION}$ for Arsenic was calculated as shown below:

C_{IN}	=	1.5, mg/l
Q_{WWTP}	=	12.9, MGD
R_{PRIM}	=	0.10

$$AHL_{NITRIFICATION} = \frac{(8.34 * 1.5 * 12.9)}{(1 - 0.10)}$$

$$AHL_{NITRIFICATION} = 179.3$$

The allowable headworks loadings are included in the following table:

Table 21. $AHL_{NITRIFICATION}$

Pollutant	AHL (lb/day)
Arsenic	179.3
Cadmium	658.2
Chromium	36.8
Copper	13.8
Cyanide	50.1
Lead	125.1
Nickel	31.3
Zinc	22.1
Chloride**	19365.5

**As mentioned above, a removal efficiency of 0% was used to calculate the $AHL_{NITRIFICATION}$ for chloride.

G. Sludge Quality

The following equation was used to calculate the allowable headworks loadings for sludge quality ($AHL_{SLDGQUALITY}$):

$$AHL_{SLDGQUALITY} = \frac{8.34 * C_{SLDGSTD} * \left(\frac{PS}{100}\right) * Q_{SLDG} * G_{SLDG}}{R_{WWTP}}$$

Where:

$AHL_{SLDGQUALITY}$	=	AHL based on Sludge Quality, lb/day
$C_{SLDGSTD}$	=	Sludge Standard, mg/kg dry sludge
PS	=	Percent Solids of Sludge to Disposal (average)
Q_{SLDG}	=	Sludge Flow Rate to Disposal (annual average), MGD
G_{SLDG}	=	Specific Gravity of the Sludge (kg/l)
R_{WWTP}	=	Plant removal efficiency from headworks to plant effluent, as a decimal
8.34	=	Conversion factor

The $C_{SLDGSTD}$ values were taken from Table 3. Pollutant Concentrations of 40 CFR Part 503. These values are included in the following table:

Table 22. Sludge Standard

Pollutant	$C_{SLDGSTD}$ (mg/kg)
Arsenic	41
Cadmium	39
Chromium	1200
Copper	1500
Lead	300
Mercury	17
Molybdenum	75
Nickel	420
Selenium	36
Zinc	2800

The $AHL_{SLDGQUALITY}$ for Arsenic was calculated as shown below:

$C_{SLDGSTD}$ = 41 mg/kg dry sludge
PS = 0.0302
Q_{SLDG} = 0.335 MGD
G_{SLDG} = 0.99 (kg/l)
R_{WWTP} = 0.4664

$$AHL_{SLDGQUALITY} = \frac{8.34 * 41 * \left(\frac{3.02}{100}\right) * 0.355 * 0.99}{0.4664}$$

$$AHL_{SLDGQUALITY} = 7.8 \frac{lbs}{day}$$

The allowable headworks loadings are shown in the following table:

Table 23. Sludge Quality AHL

Pollutant	AHL (lbs/day)
Arsenic	7.8
Cadmium	6.9
Chromium	182.1
Copper	155.6
Lead	43.2
Mercury	2.7
Molybdenum	13.6
Nickel	77.3
Selenium	5.4
Zinc	311.3

H. Maximum Allowable Headworks Loading

The maximum allowable headworks loading (MAHL) is the most conservative value of the allowable headworks loading for all of the above mentioned criteria. The TBLL are determined using the MAHL. The MAHL values are included in the following table:

Table 24. Lawton Maximum Allowable Headworks Loadings

Pollutant	OPDES Permit Limits (lbs/day)	OK Limits (lbs/day)	Activated Sludge Inhibition (lbs/day)	Anaerobic Sludge Digester Inhibition (lbs/day)	Trickling Filter Inhibition (lbs/day)	Nitrification Inhibition (lbs/day)	Sludge Quality Criteria (lbs/day)	Maximum Allowable Headworks Loadings (lbs/day)
Arsenic	N/A	9.4	10.8	3.3	N/A	179.3	7.8	3.3
Cadmium	N/A	0.6	107.6	38.1	N/A	658.2	6.9	0.6
Chromium	N/A	14.5	107.6	179.5	515.8	36.8	182.1	14.5
Copper	N/A	24.5	107.6	44.6	N/A	13.8	155.6	13.8
Cyanide	N/A	2.6	10.8	7.6	4421.3	50.1	N/A	2.6
Lead	N/A	1.6	107.6	525.9	N/A	125.1	43.2	1.6
Mercury	N/A	0.01	10.8	2408.6	N/A	N/A	2.7	0.01
Molybdenum	N/A	N/A	N/A	N/A	N/A	N/A	13.6	13.6
Nickel	N/A	84.8	107.6	19.8	N/A	31.3	77.3	19.8
Selenium	N/A	1.5	N/A	N/A	N/A	N/A	5.4	1.5
Silver	N/A	14.8	26.9	20.5	N/A	N/A	N/A	14.8
Zinc	N/A	145.4	32.3	478.2	N/A	22.1	311.3	22.1
Phenol	N/A	6070.4	5379.3	N/A	N/A	N/A	N/A	5379.3
BOD_5	28090.3	N/A	N/A	N/A	N/A	N/A	N/A	28090.3
TSS	26369.1	N/A	N/A	N/A	N/A	N/A	N/A	26369.1
Dichlorobromomethane	2.2	0.5	N/A	N/A	N/A	N/A	N/A	0.5
Ammonia	N/A	N/A	51641.3	2727.1	N/A	N/A	N/A	2727.1
Chloride	N/A	N/A	N/A	1113365.6	N/A	19365.5	N/A	19365.5

VI. ALLOCATION OF ALLOWABLE HEADWORKS LOADINGS

The MAHL for each pollutant is used to develop the TBLL. This section of the report discusses the procedure used to establish the TBLL.

A. Industrial Users

The Lawton WWTP serves three (3) Significant Industrial Users (SIUs). A SIU is defined in 40 CFR 403.3, as all users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to a POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority defined in 40 CFR 403.12(a) 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 [in accordance with 40 CFR 403.8(f)(6)]. The SIUs that are served by the Lawton WWTP consist of the following:

- Bar-S Foods
- Goodyear
- Republic Paper

The average daily flow (MGD) for each of the SIUs is included in the following table:

Table 25. 2008 Significant Industrial User Flow Data

SIU	Flow (MGD)
Bar-S Food	0.19
Goodyear	0.33
Republic Paper	0.82
Total Flow	1.35

B. Domestic/Commercial

The pollutants contributed from the domestic/commercial loading were sampled for seven (7) consecutive days at manhole number MHC056020J, which is located in the middle of Big Green Soccer Field at Interstate 44 and East Lee Boulevard. The location was selected to isolate the pollutants from the SIUs. This eliminated contamination from the SIUs. The median value was chosen to calculate the domestic/commercial loading. The sampling results for the Lawton domestic/commercial sampling are included in the following table:

Table 26. Domestic & Commercial Results

Pollutant	Concentration (mg/l)
Arsenic (mg/l)	<0.005
Cadmium (mg/l)	<0.001
Chromium (mg/l)	<0.01
Copper (mg/l)	0.04200
Cyanide (mg/l)	<0.01
Lead (mg/l)	<0.005
Mercury (mg/l)	<0.0002
Molybdenum (mg/l)	0.006
Nickel (mg/l)	<0.01
Selenium (mg/l)	<0.005
Silver (mg/l)	<0.001
Zinc (mg/l)	0.078
Phenol (mg/l)	0.07
BOD5 (mg/l)	132.0
TSS (mg/l)	142.0
Ammonia (mg/l)	20.3
Chloride (mg/l)***	69.0

***An average of the results of the domestic sampling was used for chloride.

The loadings from the domestic/commercial sources were calculated using the following equation:

$$L_{DOMESTIC} = 8.34 * C_{DOMESTIC} * Q_{DOMESTIC}$$

Where:

$L_{DOMESTIC}$ = Domestic/Commercial Wastewater Pollutant Loading, lb/day.

$C_{SDOMESTIC}$ = Domestic/Commercial Pollutant Concentration (mg/l).

$Q_{DOMESTIC}$ = Domestic/Commercial Flow, MGD.

8.34 = Conversion factor.

The Domestic/Commercial flow used for this calculation was the average flow as measured at the Lawton WWTP less the flow from the three (3) SIUs. The pollutants Below the Practical Quantitative Limit in the Domestic/Commercial sampling used the Practical Quantitative Limit as pollutant concentration. The Domestic/Commercial Loading for Arsenic was calculated as shown below:

$C_{SDOMESTIC}$ = 0.005 mg/l
$Q_{DOMESTIC}$ = 11.56 MGD

$$L_{DOMESTIC} = 8.34 * 0.005 * 11.56$$

$$L_{DOMESTIC}=0.5$$

The pollutant loadings for the domestic/commercial sources are included in the following table:

Table 27. Domestic & Commercial Pollutant Loadings

Pollutant	Pollutant Loadings (lbs/day)
Arsenic	0.5
Cadmium	0.1
Chromium	1.0
Copper	4.0
Cyanide	1.0
Lead	0.5
Mercury	0.02
Molybdenum	0.6
Nickel	1.0
Selenium	0.5
Silver	0.1
Zinc	7.5
Phenol	6.7
BOD_5	12726.2
TSS	13690.3
Ammonia	1957.1
Chloride	6652.3

C. Maximum Allowable Industrial Loadings

The quantity of each pollutant that could be allocated to the SIUs was determined by converting the MAHL into the maximum allowable industrial loadings (MAILs). The MAILs were calculated with the following equation:

$$MAIL = (1 - SF) * MAHL - L_{DOMESTIC}$$

Where:

MAIL	=	Maximum Allowable Industrial Loading, lb/day.
$L_{DOMESTIC}$	=	Domestic/Commercial Wastewater Pollutant Loading, lb/day.
MAHL	=	Maximum Allowable Headworks Loading, lb/day.
SF	=	Safety Factor, as a decimal.

The safety factor that was chosen was fifteen (15%) percent. This safety factor will allow for the growth and addition of new SIUs and variation in the WWTP. The MAIL for Arsenic was calculated as shown below:

$L_{DOMESTIC}$	=	0.5 lb/day
MAHL	=	0.3.3 lb/day
SF	=	0.15, as a decimal

$$MAIL = (1 - .15) * 3.3 - 0.5$$

$$\text{MAIL}=2.3\frac{\text{lbs}}{\text{day}}$$

The maximum allowable industrial loading for each pollutant is included in the following table:

Table 28. Maximum Allowable Industrial Loadings

Pollutant	Pollutant Loadings (lbs/day)
Arsenic	2.3
Cadmium	0.4
Chromium	11.4
Copper	7.7
Cyanide	1.2
Lead	0.9
Mercury****	0.00
Molybdenum	11.0
Nickel	15.9
Selenium	0.8
Silver	12.5
Zinc***	13.5
Phenol	4565.7
BOD_5	11150.6
TSS	8723.5
Dichlorobromomethane	0.4
Ammonia	360.9
Chloride ***	11744.9

**A safety factor of 5% was used for chloride and zinc to ensure that the limits will not be too strict on existing SIUs.
***No safety factor was used for mercury due to the fact that the loading was 0.0 lbs/day.

D. Local Discharge Limitations

The maximum allowable industrial loadings were converted into local discharge limitations using the following equation:

$$L_{LIMIT} = \frac{L_{INDUSTRIAL}}{8.34 * Q_{INDUSTRIAL}}$$

Where:

L_{LIMIT} = Local Discharge Limit, mg/l.
$L_{INDUSTRIAL}$ = Maximum Allowable Industrial Loading, lb/day.
$Q_{INDUSTRIAL}$ = Total Industrial Flow, MGD.
8.34 = Conversion Factor.

The local discharge limit for Arsenic was calculated as shown below:

$L_{INDUSTRIAL}$ = 2.3 lb/day
$Q_{INDUSTRIAL}$ = 1.35 MGD

$$L_{LIMIT} = \frac{2.3}{8.34 * 1.35}$$

$$L_{LIMIT}=0.2$$

The calculated local discharge limitations for the Lawton WWTP are shown in the following table:

Table 29. Calculated Local Discharge Limitations

Pollutant	Pollutant Concentration (mg/l)
Arsenic	0.20
Cadmium	0.04
Chromium	1.01
Copper	0.68
Cyanide	0.11
Lead	0.08
Mercury	<0.0002
Molybdenum	0.98
Nickel	1.41
Selenium	0.07
Silver	1.11
Zinc	1.20
Phenol	406
BOD_5†	993
TSS†	777
Dichlorobromomethane	0.04
Ammonia†	32.13
Chloride	1046
pH *****	6.0-9.0 su
FOG******†	400

*****There are no limiting criteria to calculate the TBLL for pH, therefore the limits set in the OPDES Permit will be used for the TBLL.

******There are no limiting criteria to calculate the TBLL for FOG. The Environmental Protection Agency's (EPA) National Pretreatment Program (40 CFR 403 Fact Sheet: Controlling Fats, Oils, and Grease Discharges from Food Service Establishments identifies the typical numeric local limits controlling oil and grease in the range of 50 mg/l to 450 mg/l. Mehlburger Brawley, Inc. recommends that the City of Lawton begin surcharging at the TBLL concentration of 200 mg/l and sending notice of violations at a concentration of 400 mg/l.

†Pollutants with surcharge levels.

The existing TBLL for the City of Lawton are included in the following table:

Table 30. Existing Lawton Local Limits

Pollutant	Pollutant Concentration (mg/l)
Arsenic	0.11
Cadmium	0.01
Chromium	1.06
Copper	0.68
Cyanide	0.11
Lead	0.1
Mercury	0.01
Nickel	0.67
Silver	0.2
Zinc	1.1
Phenol	75
BOD_5†	500
TSS†	250
Ammonia†	35.12
Chloride	1500
pH	6.0-9.0 su
FOG†	200

†Pollutants with surcharge levels.

The following table shows the proposed TBLL using the most conservative valve from the calculated and existing TBLL:

Table 31. Proposed Local Discharge Limitations

Pollutant	Pollutant Concentration (mg/l)
Arsenic	0.11
Cadmium	0.01
Chromium	1.01
Copper	0.68
Cyanide	0.11
Lead	0.08
Mercury	<0.0002
Molybdenum	0.98
Nickel	0.67
Selenium	0.07
Silver	0.2
Zinc	1.1
Phenol	75
BOD_5†	993
TSS†	777
Dichlorobromomethane	0.04
Ammonia†	32.13
Chloride	1046
pH	6.0-9.0 su
FOG†	400

†Pollutants with surcharge levels.

It should be noted that the Lawton WWTP should not allow any industries to discharge any detectable amounts of mercury. The existing surcharge levels are included in the following table:

Table 32. Existing Surcharge Limits

Pollutant	Pollutant Concentration (mg/l)
BOD_5	500
TSS	250
Ammonia	35.12
FOG	200

The proposed surcharge levels are included in the following table:

Table 33. Proposed Surcharge Limits

Pollutant	Pollutant Concentration (mg/l)
BOD_5	500
TSS	250
Ammonia	17
FOG	200

As a reference the Significant Industrial User Pollutant Concentrations are included in the following table:

Table 34. Significant Industrial User Pollutant Concentrations

Pollutant	Bar-S Foods	Goodyear	Republic Paper
	4/13-14/09	5/4-5/09	5/13-14/09
Arsenic (mg/l)	N/A	0.005	N/A
Cadmium (mg/l)	N/A	<0.001	N/A
Chromium (mg/l)	N/A	<0.01	N/A
Copper (mg/l)	N/A	0.102	N/A
Cyanide (mg/l)	N/A	<0.01	N/A
Lead (mg/l)	N/A	<0.005	N/A
Mercury (mg/l)	N/A	<0.0002	N/A
Molybdenum (mg/l)	N/A	0.015	N/A
Nickel (mg/l)	N/A	<0.01	N/A
Selenium (mg/l)	N/A	<0.005	N/A
Silver (mg/l)	N/A	<0.001	N/A
Zinc (mg/l)	N/A	0.294	N/A
Phenol (mg/l)	N/A	0.1	N/A
Oil & Grease	213	40.6	6.9
Ammonia (mg/l)	6.24	10.6	<0.75
BOD5 (mg/l)	1400	193	135
TSS (mg/l)	230	56	60
Chloride (mg/l)	1090	497	93.2

VII. CONCLUSION

The TBLL determined in this document were developed to address the City of Lawton WWTP's OPDES Permit limitation; Oklahoma Water Quality Standards; wastewater treatment process inhibition; and sludge quality. It is believed that the TBLL discussed in this report adequately address all of the above listed concerns.

The TBLL presented above should be implemented into the City of Lawton's sewer use ordinances upon approval by DEQ and the control authority.

CITY OF LAWTON

LOCAL LIMITS

SAMPLING PLAN

PROJECT NO: LAW-09-01

November 2009

MEHLBURGER BRAWLEY
THE MERGING OF NRS, INC.
THE MEHLBURGER FIRM - BRAWLEY ENGINEERING CORP.

Certificate of Authorization # 5392
Expiration Date: 6/30/11

SECTION 1. INTRODUCTION

In accordance with the requirements of the General Pretreatment Regulations (40 CFR Part 403), the City of Lawton is developing Technically-Based Local Limits. This document is intended to provide a Sampling Plan for developing the Technically-Based Local Limits once it is approved by the Department of Environmental Quality (DEQ). This Sampling Plan will identify the Pollutants of Concern (POC), the needed sampling points, duration of sampling, sampling procedures and the required flow measurements to determine the Local Limits.

The City of Lawton has been doing extensive sampling for their Industrial Pretreatment Program.

SECTION 2. POLLUTANTS OF CONCERN

The first step was to identify POC's. A list was compiled from the Table II and III results that exceeded 0.1 mg/l at the Lawton Wastewater Treatment Plant's (WWTP) influent. The following categories were evaluated to determine additional POC beyond the EPA-required 15 POC:

1. Oklahoma Permit Discharge Elimination System (OPDES) Permit Limitations;
2. Oklahoma Water Quality Based Permit Limits;
3. Wastewater Treatment Process Inhibition (including inhibition for sludge, trickling filters, and the nitrification process); and
4. Protection of the WWTP's Sludge Quality

EPA's required 15 POCs covered most of above criteria for Local Limits; however, there were pollutants in the Water Quality Based Permit Limits criteria that were not sampled in Tables II and III.

The City of Lawton samples Table II and Table III once per year and twice per year, respectively. The following are Table II pollutants that exceeded the 0.1 mg/l at the influent of the WWTP:

- Sulfide – Exceeds 0.1 mg/l (Although Sulfide was found to be above 0.1 mg/l in the influent, it is believed that this was Hydrogen Sulfide and the aeration basins were volatilizing the Hydrogen Sulfide, therefore the Local Limit for Sulfide will not be calculated.)
- Oil and Grease – Exceeds 0.1 mg/l (Oil and Grease are known to cause problems is sewer collection systems; however, there are no Inhibition levels available to evaluate the Local Limits for Oil & Grease.)
- Phenol – Exceeds 0.1 mg/l

Below are 15 POCs that are required to be sampled by EPA:

- Arsenic;
- Cadmium;
- Chromium;
- Copper;
- Cyanide;
- Lead;
- Mercury;
- Molybdenum;
- Nickel;
- Selenium;
- Silver;
- Zinc;
- Ammonia (Ammonia will not be evaluated in the Lawton Local Limits per Exhibit 3-1 in the Local Limits Guidance Manual, which includes Ammonia only if the plant accepts non-domestic sources of Ammonia, which the Lawton WWTP does not);
- BOD_5; and

- TSS.

Below is the additional POC that was required to be sampled, beyond the EPA required 15 POCs.

- Dichlorobromomethane (based on the Water Quality Limits and OPDES Limits)
- Chloride (based on SIUs discharge permits)
- pH (based on SIUs discharge permits)

The above listed POCs will be included in the development of the Lawton Local Limits.

SECTION 3. SAMPLING PROCEDURES

Influent

It is proposed that lab results of seven (7) previously taken influent samples be used for the development of the local limits.

Effluent

It is proposed that lab results of seven (7) previously taken effluent samples be used for the development of the local limits.

Primary Treatment

The Lawton WWTP does have primary clarifiers but it has been deemed unnecessary to evaluate the efficiency of the primary clarification. However, inhibition across the plant will be evaluated. When necessary the removal efficiencies across primary treatment will be the removal efficiencies as reported in Appendix R-1 of the Local Limits Guidance Manual Appendicies.

Sludge

The City of Lawton disposes of the WWTP sludge by means of the City Landfill. Sludge samples taken to support compliance with the federal regulations for landfills, sludge, and solid waste disposal established at 40 CFR Part 257, 503 and the Department rules governing Sludge Management (OAC 252:647) will be used to calculate Local Limits based on criteria in 40 CFR 503.13 Table I for Class "B" sludge. These Local Limits could be used in the future if the City of Lawton chooses to land apply sludge. The sludge is tested for the following:

- Arsenic;
- Cadmium;
- Chromium;
- Copper;
- Lead;
- Mercury;
- Molybdenum;
- Nickel;
- Selenium; and
- Zinc.

The City routinely determines the percentage of solids as required for the Monthly Operational Reports (MORs). However, the City was required to determine and provide the specific gravity (kg/l) of the sludge to develop Local Limits.

Residential Background Sampling

One (1) site in the residential area of the Lawton WWTP was sampled to determine background levels. The location of the sampling sites isolated the waste streams of the uncontrolled sources (domestic/commercial). The location of the residential sampling was at manhole number MHC056020J, which is in the middle of Big Green Soccer Field at Interstate 44 and East Lee Boulevard. Composite samples were taken for seven (7) days, with the exception of grab samples for Cyanide, Sulfide, and Oil and Grease.

The residential sampling was conducted during wet weather, however, the WWTP headworks levels were consistently higher than the levels found from the residential and commercial sampling results and it is not believed that an inordinate level of I/I was present during the residential commercial sampling. The results are believed to accurately represent the background levels.

Analytical Method

The NPDES and pretreatment regulations required that all wastewater samples were analyzed for the presence of pollutants using the approved methods found at 40 CFR Part 136, these analytical methods were used in the development of local limits. When the sludge was sampled for metals and total solids; however, the requirements in the sludge regulations in 40 CFR Part 503 applied.

SECTION 4. FLOW DATA

To calculate the Maximum Allowable Headworks Loading (MAHL) and the Maximum Allowable Industrial Loading (MAIL) data, flow from various wastestreams was collected so that mass quantities can be computed.

Total WWTP Flow

WWTPs routinely measure the total flow into the treatment works. The total flow was needed for the calculation of the effluent-quality based allowable headworks loading (AHLs) and the inhibition-based AHLs.

In EPA's view, the WWTP will not want to use the design flow to calculate the local limits because the purpose of a local limit is to protect the treatment works and the environment under existing conditions. If the design flow were used and the actual influent flow is significantly less, a mass limit would exaggerate the domestic and background loading of pollutants to the WWTP and possibly restrict unnecessarily the pollutant loading given to the Industrial Users.

The following flow information was required:

- The Lawton WWTP's average daily flow rate for the previous year.

Sludge Flow to the Digester

Primary and secondary sludge sent to anaerobic digesters will contain sorbed pollutants whose mass will need to be determined. The flow and concentration values of the sludge will be used to calculate an AHL to prevent digester inhibition. The average daily flow rate of all sludge to digestion was provided by the City of Lawton.

Sludge Flow to Disposal

The City of Lawton currently disposes of the WWTP sludge in the City Landfill. However, the allowable headworks loading based on land application will be evaluated due to the fact that in the future the sludge could be land applied. Because one of the most significant environmental impacts an Industrial User can have is on the WWTP's sludge quality and its reuse as a resource, the mass of pollutants in the sludge land applied must be known. Most WWTPs do not land apply sludge every day because of weather conditions, among other factors, interfere with scheduling. To simplify the calculations, EPA recommends

that the flow of sludge to disposal be reported as an average over the entire year. This value is calculated by dividing the total volume of sludge disposed in millions of gallons by 365 to yield the average volume of sludge disposed in millions of gallons per day. The sludge flow along with pollutant concentration in the sludge are used to calculate the AHL to prevent sludge concentrations from exceeding the sludge disposal pollutant concentration criteria.

Flows From Controlled Sources

Converting MAHLs to MAILs requires knowing the flows from all controlled sources (Industrial Users) that the City intends to regulate with numerical limits. The flow rates were determined by compiling flow data from water use records, Industrial Users Sampling and Inspections, and periodic reporting from controlled sources.

ENFORCEMENT RESPONSE PLAN

INDUSTRIAL PRETREATMENT PROGRAM
CITY OF LAWTON
ENFORCEMENT RESPONSE PLAN

INTRODUCTION

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The **City of Lawton** will enforce all noncompliance by industrial users with all federal, state and city regulations governing a user's discharge into the City POTW.

The purpose of the Enforcement Response Plan is to assure fair, consistent, and impartial enforcement and to return violators back to compliance. This section describes each type of violation from minor or insignificant non-compliance to significant noncompliance and indicates a range of appropriate enforcement options. Noncompliance shall be responded to with an enforceable order that requires a return to compliance by a specific deadline, and if appropriate, applicable monetary fines. All responses shall be documented and placed in the industrial user's file.

The Director or his designee shall be responsible for all monitoring by the City pretreatment staff and all tracking, review and evaluation of all submitted reports by the users in accordance with 40 CFR 403.8 and in a timely manner. For the purpose of this program, the current USEPA Region 6 policy of rolling quarters (the six-month period referred to in the federal definitions for significant non-compliance), shall be used in determining significant noncompliance. There are four six-month periods during the year that this determination shall be made. The following will be used in determining significant noncompliance:

Period 1	*October 1*	-	*March 31*
Period 2	*January 1*	-	*June 30*
Period 3	*April 1*	-	*September 30*
Period 4	*July 1*	-	*December 31*

In determining the proper response to a violation, whether significant or not, the following criteria shall be considered:

- Magnitude of the violation
- Duration of the violation
- Impact of the violation on the **POTW** and receiving waters
- Compliance history of the industrial user

Since pretreatment enforcement is a matter of strict liability, the knowledge, intent, or negligence of the user should not be taken into consideration except when deciding to pursue criminal prosecution.

Significant noncompliance has been defined by the City as violations which meet the

criteria in Section 22-360 of the Lawton City Code.

SUSPECTED INDUSTRIAL USER NONCOMPLIANCE

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To insure compliance, the director or his designee will investigate all instances of noncompliance, whether at POTW or Industry, by implementing the following procedures:

(a) Once the Director has been notified that an incident of noncompliance has occurred, the proper authorities shall be notified.

(b) The Director or his designee will attempt to identify the pollutant for analysis by following proper sampling and preservation procedures listed in 40 CFR 136.

(c) The Director will identify the source of the pollutant as soon as possible by conducting on site investigations of possible contributors. Also, the Director or his designee will evaluate the impact of the discharge on the Director or his designee, its employees, the environment and the general public.

(d) The Director will collect samples for analysis by following proper sampling and preservation procedures listed in 40 CFR 136.

(e) If a suspected problem is identified, the user shall be notified that a potential problem exists. This will allow the user to mitigate the impact the discharge may be causing.

(f) Follow-up inspections or visits shall be conducted the Director. Resampling shall occur at a later time to insure compliance.

If the problem is clearly a violation of discharge prohibitions (section 22-310, Lawton City Code), or an unreported accidental discharge, the incident will be documented, including adequate samples, comprehensive logs and photographs, if appropriate.

INSPECTION AND COMPLIANCE MONITORING

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Inspections and compliance monitoring are an integral part of every industrial pretreatment program. Inspections serve several purposes. They are intended to verify that all wastestreams of potential concern have been identified and regulated, inspect records and reports, insure no unreported significant change has occurred since the last inspection, and to verify all conditions of the discharge permit are being met. Compliance monitoring is conducted to verify that the permitted industries are meeting the numerical limits set in their discharge permits. The Director or his designee must conduct at least one routine on site inspection and sampling visit annually at the permitted user. The majority of inspections shall be unannounced, in order to check on effluent quality and treatment system performance. Inspection schedules are discrete and confidential.

Non-routine inspections and sampling visits are conducted on the basis of:

(a) Nature of discharge;

(b) History of the user's compliance status;

(c) Results from routine inspection and monitoring activities conducted by the director; and

(d) Observations by citizens and/or complaints.

CONTESTING DISCHARGE STANDARDS

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A user may contest the discharge standards or pretreatment requirements as set out in Section 22-337 of the Lawton City Code.

COMPLIANCE SCHEDULE

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Local limits will go into effect when a permit is issued by the Director. If limits are unable to be met, the user must revise the mode of operation or construct pretreatment facilities. A compliance schedule will be ordered to establish deadlines for compliance along with requirement of progress reports. EPA does not authorize the issuance of a permit which contains a schedule for compliance with Categorical Standards. Such a schedule can only be contained in an Order or similar enforceable document.

The schedule will be established individually due to the variability of each compliance requirement, however the time scheduled for full compliance will be as short as possible. The periodic reports will contain a narrative on the discharger's progress toward implementation of the required construction or modification and identification of any problems encountered. Each report will be revised by the Director or his designee to determine the discharge compliance to the schedule. If the user is showing good faith to eliminate a violation of a local or categorical limit, an allowance may be made to allow the user to continue producing the discharge until compliance can be attained.

CALCULATE THE ECONOMIC BENEFIT OF NONCOMPLIANCE

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To determine the amount of civil fine that may be levied for noncompliance with the issued permit the Director or his designee will apply the following economic benefit analysis if the information is readily known and available to the Director or his designee. If the information necessary to complete the work sheet is not readily available, the Director shall issue a civil penalty in conformance with Section 22-372 of the Lawton City Code.

The EPA guidance manual will be used to calculate the economic benefit a user is expected to gain by delaying compliance with pretreatment requirements.

The definition of economic benefit is the money spent to comply with pretreatment standards and requirements. The user makes initial capital expenditure for pretreatment equipment or process changes and incurs subsequent operation, maintenance and repair costs annually. By delaying or avoiding these costs, the user realizes an economic advantage or benefit over a competitor which complied with pretreatment requirements on time. The "economic benefit" of compliance is defined as the difference between the costs of on-time compliance and delayed compliance. Economic benefits realized by the user which fail to comply by a required deadline can be measured by:

1) The money that the user would expect to earn by delaying the purchase of pretreatment equipment and investing the money in more profitable project,

2) The annual costs that the user avoids, and

3) The unexpected return on avoided costs during the period of noncompliance.

The City of Lawton needed to assess penalties against all violators for several purposes, including but not limited to:

1) To remove the economic benefit a user gains over others by not complying,

2) To deter future noncompliance by providing an incentive for users to remain in compliance,

3) To provide fair and equitable treatment to all members of the regulated community,

4) To promote swift and consistent resolution of environmental problems,

5) To maintain compliance, and

6) To recover for damages to public facilities and/or natural resources.

A copy of the worksheet is provided to be used in calculating the Economic Benefit.

The Plant Cost Index, published in Chemical Engineering magazine, Construction Cost Index, published in Engineering News Record magazine and POTW Cost Indices, published by EPA's Office of Municipal Pollution Control will be used to estimate the appropriate inflation rate for pretreatment equipment.

While the Consumer Price Index (CPI) is frequently used in measuring inflation, it covers a broad range of consumer products and therefore is not appropriate for estimating specific changes in the price of pretreatment equipment.

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OTHER CONSIDERATIONS IN DEVELOPING A SETTLEMENT PENALTY

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The preceding information explains how to calculate economic benefit to determine the minimum penalty. These four additional factors can be used in calculation total penalties that should be collected in any settlement.

1) Gravity of the violation

2) Adjustment factors

3) Amounts previously paid

4) Benefit from competitive advantage

These factors are discretionary and usually determined on a case-by-case basis.

Further guidance can be obtained in EPA's Pretreatment Compliance Monitoring and Enforcement Guidance, Guidance for Developing Control Authority Enforcement Response Plans and Guidance Manual for POTW's to Calculate Economic Benefit of Noncompliance.

PENALTIES FOR SLUG LOADINGS AND ACCIDENTAL SPILLS

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Penalties may be calculated by using the following formula:

Violation concentration - Local limit x 1.5 x Current cost of treatment = ($) penalty

Violation concentration = pounds/day

Local limitation = pound/day

1.5 = factor for compensation

Current cost of treatment = budgeted $ amount for operating expense

If the information necessary to make the above calculation is not readily available to the Director or his designee the Director shall issue a penalty in conformance with Section 22-367 of the Lawton City Code.If upset of plant occurs the formula may be applied as follows:

Cost ($) to put plant back into compliance + lab fees + overtime expense + any other cost associated with the upset + 35% of total expense = ($) penalty

If the information necessary to make the above calculation is not readily available to the Director or his designee the Director shall issue a penalty in conformance with Section 22-367 of the Lawton City Code.

The full intention of the City of Lawton when concerning penalties is for the industrial user to realize that it is more beneficial to comply with federal, state and local regulations than to maintain a status of noncompliance. Therefore, each penalty for noncompliance is assessed with the intention of creating enough loss to the industrial user that it is economically beneficial to meet compliance.

THE CITY OF LAWTON ENFORCEMENT RESPONSE PLAN
DESCRIPTION OF TERMS

AO	--	Administrative Order may include fine
CIVIL LITIGATION	--	Civil litigations against the user seeking equitable relief, monetary penalties and actual damages in a court of law
		An administrative order embodying a legally

CONSENT ORDER	--	enforceable agreement between the City and the noncompliant user designed to restore the user to compliance status
CRIMINAL PROSECUTION	--	Pursuing punitive measures against an individual and/or organization (user) through a court of law
D	--	Director of Public Works/Engineering or his designee
FINE	--	An administrative monetary penalty assessed by Director
JUDICIAL ACTION	--	An enforcement action that involves a court. (The action may be either civil or criminal in nature).
MEETING	--	Informal compliance meeting with the user to resolve recurring noncompliance
NOV	--	Notice of Violation - may include fine
POTW	--	Publicly Owned Treatment Works
SNC	--	Significant noncompliance
SV	--	SIGNIFICANT VIOLATION -
		(a) Chronic violation of wastewater discharge limits, defined as those in which sixty-six (66) percent or more of wastewater measurements taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits as defined by 40 CFR 403.3(1) for the same pollutant

parameter.

(b) Technical review criteria (TRC) violations, defined as those in which thirty three (33) percent or more of all the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants, except pH).

(c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(1) (daily maximum, long term average, instantaneous limit, or narrative Standard) that the Director determines has caused, alone or in combination with other discharges, interference of pass through (including endangering the health of POTW personnel or the general public).

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment and or resulted in the POTW's exercise of its emergency authority under 40 CFR Part 403.8 to halt or prevent such a discharge.

(e) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction,

completing construction, or attaining final compliance.

(f) Failure to provide, within thirty (30) days after the due date, required reports such as BMR, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations which may include a violation of Best Management Practices, which the Control Authority determines will adversely affect the operation or implementation of the local Pretreatment Program.

SHOW CAUSE -- Formal meeting requiring the user to appear and demonstrate why the Director should not take a proposed enforcement action against it. The meeting may also serve a s a forum to discuss corrective actions and compliance schedules.

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UNAUTHORIZED DISCHARGES (NO PERMIT)			
NON-COMPLIANCE	*NATURE OF THE VIOLATION*	*ENFORCEMENT RESPONSES*	*PERSONNEL*
1. Unpermitted discharge	IU unaware of requirements, no harm to POTW/environment	Phone call; NOV with application Form	D
	IU unaware of requirement; harm to POTW	AO with fine Civil action	D D
	Failure to apply continues after notice by the POTW	Civil action Criminal investigation Terminate services	D D D
2. Nonpermitted discharge (failure to renew)	IU has not submitted application within 10 days of the due date	Phone call; NOV	D

DISCHARGE LIMIT VIOLATION			
1. Exceeding local or Federal Standard (permit limit)	Isolated, not significant	Phone call; NOV (1st or 2nd offences)	D
	Isolated, significant (no harm)	AO to develop spill prevention plan and fine	D
	Isolated, harm to POTW or environment	Show cause order AO Judicial order with penalties	D D D

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DISCHARGE LIMIT VIOLATION (CONTINUED)

NON-COMPLIANCE	*NATURE OF THE VIOLATION*	*ENFORCEMENT RESPONSES*	*PERSONNEL*
	Recurring, no harm to POTW/environment	AO with fine	D
		Judicial action	D
		Terminate Service	D
	Recurring; significant (harm)	Terminate Service	D
	Result is known environmental or POTW damage (endangerment to life)	Issue order to halt discharge	D
		AO with fine	D
		Judicial action	D
		Terminate Service	D

SAMPLING, MONITORING, AND REPORTING VIOLATIONS

NON-COMPLIANCE	*NATURE OF THE VIOLATION*	*ENFORCEMENT RESPONSES*	*PERSONNEL*
1. Failure to sample and monitor or report (routine reports, BMR's)	Isolated	Phone call; require correction be made by next submittal	D
		NOV	D
		AO if no report is received	D
2. Violation of analytical procedure	Any instance No evidence of intent	NOV	D
3. Violation of permit	No evidence of negligence or intent	NOV	D

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SAMPLING, MONITORING, AND REPORTING VIOLATIONS (CONTINUED)

NON-COMPLIANCE	*NATURE OF THE VIOLATION*	*ENFORCEMENT RESPONSES*	*PERSONNEL*
	Evidence of negligence or intent	AO Civil action	D D
4. Reporting violations	Report is improperly signed or certified	Phone call or NOV	D
	Report is improperly signed or certified after noticed by POTW	AO Show cause order	D D
	Isolated not significant (5 days late)	Phone call or NOV	D
	significant (report is 30 days or more late)	AO to submit with fine per additional day	D
	Reports are always late or no report at all	AO with fine Show cause order Civil action	D D D
	Sampling, monitoring, or reporting deficiency	Phone call requiring correction in 10 days NOV AO	D D D

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SAMPLING, MONITORING, AND REPORTING VIOLATIONS (CONTINUED)

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NON-COMPLIANCE	*NATURE OF THE VIOLATION*	*ENFORCEMENT RESPONSES*	*PERSONNEL*
	Sampling, monitoring or reporting deficiencies; frequent or continuous	NOV Show cause order AO with fine	D D D
	Failure to report spill or change in discharge (no harm)	NOV	D
	Failure to report spill or change in discharge (results in harm)	AO with fine Civil action	D D
	Repeated failure to report spills	Show cause order Terminate Service	D D
	Falsification	Criminal investigation Terminate Service	D D
5. Failure to Monitor correctly	Failure to monitor all pollutants as required by permit	NOV AO	D D
6. Improper sampling	Evidence of intent	Criminal investigation Terminate Service	D D
7. Self-monitoring report	Missed date by 5 days	Phone call	D

SAMPLING, MONITORING, AND REPORTING VIOLATIONS (CONTINUED)

NON-COMPLIANCE	*NATURE OF THE VIOLATION*	*ENFORCEMENT RESPONSES*	*PERSONNEL*
	Missed date by 30 days	NOV	D
		AO with fine	D
		Civil action	D
		Criminal investigation	D
		Terminate Service	D
8. Complete failure to sample, monitor or report	Infrequent	NOV	D
	Frequent	AO	
		Show cause order	D
		Judicial action	D
9. Failure to notify of effluent limit violation	Isolated or infrequent	Phone call	D
		NOV	D
		Judicial action	D
		Fines	D
	Known environment or POTW damage results	Judicial action including fines	D
		Terminate service	D
10. Minor sampling & monitoring or reporting deficiencies	Isolated or infrequent 1st or 2nd offense	Phone call, requires correction to be made by next submittal	D
		NOV	D
		AO	D

SAMPLING, MONITORING, AND REPORTING VIOLATIONS (CONTINUED

NON-COMPLIANCE	*NATURE OF THE VIOLATION*	*ENFORCEMENT RESPONSES*	*PERSONNEL*
11. Minor sampling, monitoring or sampling deficiencies	Frequent	NOV Show cause order AO	D D D
12. Major sampling, monitoring or reporting deficiencies	Isolated or infrequent	Phone call NOV	D D
13. Major sampling, monitoring Or reporting deficiencies	Frequent	Show cause order AO Fines	D D D
14. Complete failure to sample, monitor or report	Significant noncompliant	AO Judicial action Termination of service	D D D
15. Continued failure to sample, monitor or report	Violation of NOV condition	AO Show cause order	D D
16. Failure to submit schedule of compliance	Violation of consent order	Show cause order Fines Judicial action Terminate service	D D

SLUG LOAD

NON-COMPLIANCE	*NATURE OF THE VIOLATION*	*ENFORCEMENT RESPONSES*	*PERSONNEL*
1. Reported slug load	Isolated without known damage	Show cause order	D
		AO	D
2. Reported slug load	Isolated with known Interference, pass-through or damage (SNC)	AO	D
		Judicial action	D
		Penalty	D
3. Reported slug load	Recurring (SNC)	Judicial action	D
		Penalty	D
		Terminate service	D
4. Slug load discharge	Without notification	NOV	D
	Without notification with known	show cause order	D
	Interference, passthrough or	AO	D
	damage	Judicial action	D
		Penalty	D
5. Failure to notify of effluent limit violation or slug discharge	Isolated or infrequent No known effect	Nov if no response within 10 days issue an AO	D D
6. Failure to notify of effluent limit violation or slug discharge	Frequent or continued violation (SNC)	Show cause order	D
		AO	D
		Judicial action	D
		Penalties	D

SLUG LOAD (CONTINUED)

NON-COMPLIANCE	*NATURE OF THE VIOLATION*	*ENFORCEMENT RESPONSES*	*PERSONNEL*
7. Failure to notify of effluent limit violation or slug discharge	Known environmental or POTW damage results (SNC)	Judicial action Terminate service	D D
8. Spill incident	If spill is not reported	NOV	D
	Failure to develop spill Prevention program	NOV, AO	D
	Failure to act on a decision of compliance with known environmental or POTW damage	Judicial action Terminate service	D D

OTHER PERMIT VIOLATIONS

NON-COMPLIANCE	*NATURE OF THE VIOLATION*	*ENFORCEMENT RESPONSES*	*PERSONNEL*
1. Wastestreams are diluted in lieu of treatment	Initial violation Recurring	AO with fine Show cause order Terminate service	D D D
2. Failure to mitigate noncompliance or halt production	Does not result in harm	NOV	D
	Does result in harm	AO with fine Civil action	D D

VIOLATIONS DETECTED DURING SITE VISITS

NON-COMPLIANCE	*NATURE OF THE VIOLATION*	*ENFORCEMENT RESPONSES*	*PERSONNEL*
1. Entry denial	Entry denied, consent withdrawn or copies of records denied	Obtain warrant and return to IU	D
2. Illegal Discharge	No harm to POTW or environment	AO with fine	D
	Discharge causes harm or evidence of intent/negligence	Civil action Criminal investigation	D D
	Recurring, violation of AO	Terminate service	D
3. Improper sampling	Unintentional sampling at incorrect location	NOV	D
	Unintentionally using incorrect sample type	NOV	D
	Unintentionally using incorrect sample collection techniques	NOV	D

VIOLATIONS DETECTED DURING SITE VISITS (CONTINUED)

NON-COMPLIANCE	*NATURE OF THE VIOLATION*	*ENFORCEMENT RESPONSES*	*PERSONNEL*
4. Inadequate record keeping	Inspector finds files incomplete to missing (no evidence of intent)	NOV	D
	Recurring	AO with fine	D
5. Failure to report additional monitoring	Inspection finds additional files	NOV	D
	Recurring	AO with fine	D
6. Minor violation of analytical procedure	Any instance	Nov	D
7. Major violation of analytical procedure	No evidence of intent	NOV AO	D D
8. Major violation of analytical procedure	Evidence of negligence or intent (SNC)	AO Civil action Criminal action	D D D
9. Minor violation of permit condition	Evidence of negligence or intent	AO Civil action and penalty Criminal action	D D D
10. Major violation of permit condition	Evidence of negligence or intent (SNC)	AO Civil action and penalty Criminal action Terminate services	D D D D

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COMPLIANCE SCHEDULES

NON-COMPLIANCE	*NATURE OF THE VIOLATION*	*ENFORCEMENT RESPONSES*	*PERSONNEL*
1. Reporting false information	Any instances	Criminal action Criminal investigation Terminate services	D D D
2. Missed interim date	Will not cause late final date or other interim dates	NOV	D
3. Missed interim date	Will result in other missed interim dates. Violation for good or valid cause	NOV AO	D D
4. Missed interim date	Will result in other missed interim dates. No good or valid cause (SNC)	NOV AO Judicial action Penalty	D D D D
5. Failure to meet compliance schedule reporting requirement	Report was not submitted but compliance schedule date was completed	NOV	D

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COMPLIANCE SCHEDULES (CONTINUED)

NON-COMPLIANCE	*NATURE OF THE VIOLATION*	*ENFORCEMENT RESPONSES*	*PERSONNEL*
6. Missed final date	Good or valid cause	NOV	D
7. Missed final date	Violation due to force Majeure	Require documentation of good or valid cause	D
		Show cause order	D
8. Missed final date	90 days or more outstanding	AO	D
	Failure or refusal to comply without good or valid cause	Judicial action	D
		Penalty	D
9. Failure to install monitoring equipment	Continued (SNC)	AO to begin monitoring (using outside contracts, if necessary) and install equipment within minimal time. Temporary termination of service.	D

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TIME FRAMES FOR RESPONSES

A. A violations will be identified and documented within five (5) days of receiving compliance information.

B. Initial Enforcement Responses involving contacts with the industrial user and requesting information on corrective or preventative action(s) will occur within fifteen (15) days of the violation detection.

C. Follow up actions for continuing or recurring violations will be taken within sixty (60) days of the initial Enforcement Response. For all continuing violations, the response will include a compliance schedule.

D. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.

E. All violations meeting the criteria for significant noncompliance will be addressed and enforced within thirty (30) days of the identification of significant noncompliance.

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INDUSTRIAL USERS

CITY OF LAWTON INDUSTRIAL USERS

The City of Lawton began an Industrial Waste Survey in November 1990 for the City's Pretreatment Program. The IWS was conducted using master computer files of water and waste revenues and manufacturer directories. Once inspections were performed on the potential industries and waste surveys evaluated, a determination was made that six (6) industries fell into the Significant Users category. The following industries are currently permitted to discharge into the city sewer system so long as the set pollutant limitations are not exceeded, any written city ordinance or discharge permit conditions are not violated, and the regulations set forth in 40 CFR 403 are held in compliance.

A 1998 addition of a meat packaging plant, a 1999 addition of a paper mill and a 2001 addition of a plastic pipe manufacturer increased the significant industrial users to nine (9) with three (3) of them being categorical industrial users. A 2001 deletion of a non-categorical medical office building, a 2001 deletion of a categorical metal finisher due to zero discharge, a 2003 deletion of a non-categorical bakery due to business closure, and a 2007 deletion of a non-categorical commercial laundry due to conversion to a warehouse settled the industry count at five (5).

The City of Lawton finished the rehabilitation of it's wastewater treatment plant in 2000, upgrading the flow to 18 MGD. The existing water treatment plant was upgraded in 2004 and the addition of a new water treatment plant was completed in 2008. These upgrades and addition are a contributing factor in the addition of new industry for the City.

Industry:	Bar-S Foods 802 SW Goodyear Blvd. Lawton , OK 73505 580/510-3300	SIC # 2013
Established:	March 18, 1998	
Hours of Operation:	24 hr/day; 2-12 hr shifts	
No. of Employees:	205	
Type of Industry:	Meat Packaging Plant	
Process:	Grinding of chicken and pork; mixing of spices with meat; stuffing franks and sausage; cooking-freezing-packaging in film and shipping out.	
Ave. Daily Disch:	183,000 gal/day	
Pollutants:	chloride and pH (using acid and caustic feed)	
Pretreatment:	Primary and secondary grease interceptor (2200 gallons), selinometer regulator, washable strainers for smoke flavoring, acid and caustic feeding for pH control, and DAF Unit for solids removal, pretreatment facility upgraded in 2008	
Permit:	Non-categorical 5 year duration	
Inspection:	Annually by City	
Sampling:	24 hr composite annually by City and quarterly by industry for self-monitoring (Jan 10, Apr 10, Jul 10, & Oct 10)	
Sampling Site:	Manhole South of equalization pit	
Industrial Waste Survey:	yes	
Accidental Spill Plan:	yes	
Slug Plan:	yes	
Nearest Tributary Water:	Pecan Creek	
History:	NOV's, fines and Cease and Desist Orders for pH and chloride; made great progress and was awarded the Pollution Prevention Award in 2000.	

Industry:	Cosmetic Specialty Labs, Inc. 210 SW Texas Ave. Lawton , OK 73501 580/355-2182	SIC# 2844
Established:	May 24, 1973	
Hours of Operation:	0800-1630 Mon-Fri	
No. of Employees:	64	
Type of Industry:	Cosmetic Manufacturing	
Process:	Mixing and blending of skin and body care products by Aloe Vera extraction	
Ave. Daily Disch:	Non-discharging facility - Ceased process discharge to POTW October 25, 2008	
Pollutants:	pH, CBOD5, TSS, Cu, Pb, Ni, and Zn	
Pretreatment:	Grease trap/settling pit	
Permit:	Non-categorical 5 year duration	
Inspection:	Annually by City	
Sampling:	Not applicable. A sampling site must be installed outside of the building with flow meter capabilities prior to resuming process discharge. When discharging to the POTW - 7 hr composite sampled annually by City and quarterly by industry for self-monitoring (Jan 10, Apr 10, Jul 10, & Oct 10)	
Sampling Site:	Drain hole in warehouse (working towards changing this site)	
Industrial Waste Survey:	yes	
Accidental Spill Plan:	yes	
Slug Plan:	yes	
Nearest Tributary Water:	East Cache Creek	
History:	NOV's for Cu, Pb and Zn; surcharges for exceeding limitations on CBOD5 and TSS	

Industry:	Goodyear Tire & Rubber, Co. #1 Goodyear Blvd. Lawton, OK 73505 580/531-5871	SIC # 3011
Established:	1979	
Hours of Operation:	24 hr/day; 2-12 hr shifts	
No. of Employees:	2350-2400	
Type of Industry:	Tire manufacturing	
Process:	Manufacturing of 60,000 radial passenger and light truck tires	
Ave. Daily Disch:	750,000 gal/day; continuous	
Pollutants:	Flow, pH Temp., BOD5, TSS, NH3N, Cd, Cr, Cu, Hg, Pb, Ni, Zn and Phenols	
Pretreatment:	Oil/sludge/water separator; acid feed; waste water evaporated and hauled	
Permit:	Non-categorical 5 year duration	
Inspection:	Annually by City	
Sampling:	24 hr composite; annually by City and quarterly by industry for self-monitoring (Jan 10, Apr 10, Jul 10, & Oct 10)	
Sampling Site:	Manhole downstream of plant at Lee and Goodyear Blvd	
Industrial Waste Survey:	yes	
Accidental Spill Plan:	yes	
Slug Plan:	yes	
Nearest Tributary Water:	Pecan Creek	
History:	Goodyear has a full-time Environmental Coordinator and makes a great effort to comply with regulations. Addition of acid feed system to accommodate new upper pH limit. Received Pollution Prevention Award in 1999 and the Platinum Star Award for Pollution Prevention Award in 2009.	

Industry:	Republic Paperboard LLC 802 SW Goodyear Blvd. Lawton , OK 73505 580/510-3300	SIC # 2631
Established:	November 1999	
Hours of Operation:	24 hr/day; 3-8 hr shifts	
No. of Employees:	Approx. 200+	
Type of Industry:	Paper Mill - Recycled paperboard 40 CFR 430.107 subpart J	
Process:	Mfg. paperboard from recovered fiber (wastepaper) via pulping, forming, pressing and drying.	
Disch:	794,200 - 1,400,000 gal/day	
Pollutants:	TSS	
Pretreatment:	Aerobic digestion, primary clarifiers, sludge thickening with polymer, rotary screens, screw presses, solids to landfill. Liquids from clarifiers to bioreactors to equalization tank.	
Permit:	Categorical 5 year duration	
Inspection:	Annually by City	
Sampling:	24 hr composite annually by City and quarterly by industry for self-monitoring (Jan 10, Apr 10, Jul 10, & Oct 10); numerous sampling events to assure quality of discharge	
Sampling Site:	Manhole South of pretreatment process	
Industrial Waste Survey:	yes	
Accidental Spill Plan:	yes	
Slug Plan:	yes	
Nearest Tributary Water:	Pecan Creek	
History:	Slug loads of pulp – NOV, slug load of ammonia NOV and surcharges for TSS	

Industry:	Silverline-Plastics Corporation 8801 SW Neal Boulevard Lawton, OK 73505 580/536-5699	SIC # 3084
Established:	August 2001	
Hours of Operation:	24 hr/day; 2-12 hr shifts	
No. of Employees:	40	
Type of Industry:	Plastics Molding and Forming 40 CFR 463 subpart A	
Process:	Manufacturing of PVC pipe by extrusion; contact cooling water	
Ave. Daily Disch:	Non-discharging facility – ceased discharge in third quarter of 2007. Silverline has batch discharge when/if they discharge to sanitary sewer.	
Pollutants:	No toxic material are handled or manufactured at this facility. BOD, FOG, pH and TSS are the main pollutants of interest.	
Pretreatment:	Grease interceptor - baffled manhole	
Permit:	Categorical	
Inspection:	Annually by City	
Sampling:	Not applicable – If process discharge resumes - 24 hr composite; annually by City and quarterly by industry for self-monitoring (Jan 10, Apr 10, Jul 10, & Oct 10)	
Sampling Site:	Not applicable	
Industrial Waste Survey:	yes	
Accidental Spill Plan:	no	
Slug Plan:	no	
Nearest Tributary Water:	Pecan Creek	
History:	NOVs for BOD	

APPENDICES

City of Lawton Sludge Management Plan

Executive Summary

The purpose of the Sludge Management Plan is to formally document the handling and disposal practices of the City of Lawton Wastewater Treatment Plant sludge. The plan is intended to ensure that all of the sludge generated by the City of Lawton Wastewater Treatment Plant is disposed of in an environmentally safe manner, while at the same time, providing an economically feasible option.

Additionally, this plan provides for our current disposal methods to be modified as our sludge characteristics change. Future disposal options will, therefore, be presented in this plan. No disposal method will be utilized until approval of the said method has been obtained from the Oklahoma Department of Environmental Quality (ODEQ).

Copies of the approved plan shall be maintained at the Wastewater Treatment Plant, Solid Waste Landfill and the Public Works/Engineering Department.

Current Sludge Characteristics

The City of Lawton Wastewater Treatment Plant consistently produces a sludge that passes the paint filter test. This allows for co-disposal with municipal solid waste. Our current pretreatment process consistently meets the treatment standards for the Class B Biosolids requirement through alternative 1. We do not currently land apply our sludge for beneficial use.

Current Disposal Method

In 2009 the City of Lawton disposed of an average of 4.2 dry tons (3.85 metric tons) of sludge per day. The method of disposal is by co-disposal with municipal solid waste at a permitted landfill. The City of Lawton owns and operates the municipal landfill. The sludge is delivered to the landfill where it is blended with soil and used as intermediate daily cover. The close proximity to the plant, approximately 3.0 miles, and inexpensive disposal cost make this method the ideal disposal option. A preliminary cost analysis of other alternatives was done during the previous WWTP upgrade by plant expansion design consultants and verified that this alternative was in the City's best interest. Attachment 1 is an excerpt from a preliminary design report that shows the cost comparison of different alternatives. This attachment clearly shows that landfilling our sludge is currently the most feasible alternative.

Future Disposal Options

The City of Lawton is currently in the 2010 upgrade of a wastewater treatment plant project. The anaerobic digester performance will be enhanced which , in turn, will increase the digester solids content and subsequently increase the mean cell residence time and satisfy the Class B standards. Additionally, the digester temperature controls will be capable of maintaining a minimum temperature of 35 degrees Celsius year

round.
Upon completion of this expansion project, the City of Lawton may reclassify the sludge for disposal in a beneficial fashion. We anticipate using this sludge as a fertilizer for maintaining vegetative cover at the landfill. We foresee only land applying at the landfill. However, this option is not expected for several years and would require the purchase of additional landfill equipment, which is beyond the scope of this plan. The City of Lawton will notify DEQ in advance of any sludge disposal changes.

Digester Facility

Improvements to this facility are recommended as follows:

- Replace existing steel gas piping with stainless steel piping. Replace all valves.
- Install gas conditioner system.
- Install level indicators for digester tanks.
- Reroute gas piping as part of pipe replacement to minimize condensation.
- Install sludge sampling taps for sample withdrawal.
- Replace sludge recirculation pumps.
- Replace temperature control valves.
- Replace water-tube boilers with fire-tube boilers.

Sludge Disposal

An evaluation of sludge disposal alternatives was completed. This evaluation included the possible disposal/reuse methods of (1) landfilling; (2) agricultural land application; and (3) composting and reuse. The analysis showed that, given the close proximity of the existing landfill, other options would not be more cost effective because of the additional handling costs associated with land application or composting. The costs were estimated to be: (1) landfilling, $11/ton; (2) agricultural land application, $64/ton, and (3) composting, $250/ton. Given the clear choice on an economic basis, continued landfilling is the recommended sludge disposal method.

Plant Hydraulics

Constraints

The first hydraulic constraint exists in the area between the trickling filters and the trickling filter clarifiers. Increasing the secondary plant flows to levels approaching 30 mgd results in too little freeboard in the open structures, such as the splitter box between the trickling filter clarifiers and the junction boxes between the trickling filters. The connecting channels between these junction boxes and between the trickling filters will also be affected. All of these open structures will require a 1-ft extension to the existing channel depth. This extension will allow a higher water surface within the trickling filter structures. This should not affect the proper operation of the filters since it would occur only briefly and the filter media will not be flooded.

The other major constraint is the nitrification aeration basin weir and launder. Currently, the launder has capacity for approximately 17 mgd prior to flooding. Raising the weir wall would increase this capacity.

Raising the weir wall impacts the trickling filter clarifier weirs upstream. Hydraulic analysis shows that a 1-ft increase in the elevation of the nitrification aeration basin weir is acceptable (the trickling filter clarifier weir does not submerge) at a 25-mgd flow rate. This 1-ft weir