

ADEQ

ARKANSAS
Department of Environmental Quality

July 1, 2010

Mr. James Boston
Public Works Manager
City of Decatur
P.O. Box 24
Decatur, AR. 72722

RE: AFIN: 04-00052, NPDES Permit: AR0022292

Dear Mr. Boston:

The Department has received your response to the March 23, 2010 inspection of your facilities by our Field Inspectors, John Fazio and Dale Washam. Your letter appears to adequately address the discrepancies identified during the visit. Your response did pose a question related to the dilution water utilized with the WET testing procedures that are answered in the enclosure included with this letter.

The Department assumes the corrective actions taken will be maintained to ensure consistent compliance with the requirements of the permit. Acceptance of this response by the Department does not preclude any future enforcement action deemed necessary at this site or any other site.

The Department will keep the inspections, responses, and other information on file. If future violations occur that require enforcement action, the Department will consider the inspection and response as required by the Pollution Control and Ecology Commission Regulation No. 7, Civil Penalties. This regulation requires the Department to consider the past history of your company and how expeditiously the violations were addressed in determining any civil penalty that may be necessary for any future violations.

If we need further information concerning this matter, we will contact you. Thank you for your attention to this matter. Should you have any questions, feel free to contact me at 501-682-0640 or you may e-mail me at garner@adeq.state.ar.us.

Sincerely,



Cindy Garner
Water Enforcement Branch Manager

Enclosure

The use of receiving water as dilution water is appropriate according to Section 7 of EPA's "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition October 2002."

ADEQ agrees that it is not appropriate to use receiving water as dilution water when the receiving water has been shown to be toxic.

Part II.13.B.3.b. of the current permit states "If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria of Item 2.a), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:..."

ADEQ will grant the City of Decatur the ability to use synthetic dilution water year round provided that documentation of receiving water toxicity is provided.

An example of documenting receiving water toxicity would be to conduct side by side WET tests; one test using synthetic dilution water and one test using receiving water. If the receiving water test has control failures and the synthetic test does not, then a demonstration of receiving water toxicity has been made.

Part II.13.B.3.a. of the current permit states "...The permittee shall substitute synthetic dilution water of similar pH, hardness, and alkalinity to the closest downstream perennial water where the receiving stream is classified as intermittent or where the receiving stream has no flow due to zero flow conditions."

As per the above referenced permit condition, for the few months out of the year when the receiving stream is not flowing above ground, it is appropriate to use synthetic dilution water.