

## Gage, Hannah

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**From:** Gilliam, Allen  
**Sent:** Thursday, December 31, 2015 3:14 PM  
**To:** Mcavoy, Lance (LanceM@FortSmithAR.gov); fort smith John Hancock  
**Cc:** Gage, Hannah  
**Subject:** AR0021750\_Fort Smiths response to Sept 15 audit findings\_20121231  
**Attachments:** Fort Smith's response to Sept 2015 Audit.pdf

Lance,

Your responses to the findings and recommendations contained in the September 2015 Audit were received, reviewed and are all deemed adequate with no further action necessary at this time.

Thank you for the updated example various templates. They have been placed into your "approved" Pretreatment Program as mentioned in a previous email. In the future, please date any revisions/updates somewhere on the documents with "revised [date]".

Please keep this office apprised of when your Pretreatment Ordinance is adopted (.pdf attach it to an email) and what you've decided to show in your TBLL evaluation section.

Sincerely,

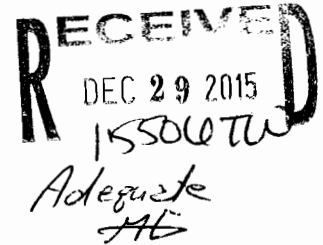
Allen Gilliam  
ADEQ State Pretreatment Coordinator  
501.682.0625

E/NPDES/NPDES/Pretreatment/Reports



December 22, 2015

Mr. Allen Gilliam  
 ADEQ State Pretreatment Coordinator  
 Arkansas Department of Environmental Quality  
 5301 Northshore Drive  
 North Little Rock, AR 72118-5317



**RE:** *City of Fort Smith (NPDES #s AR0021750 and AR0033278) Pretreatment Program Audit / Municipal Pollution Prevention (P2) Assessment*

Dear Mr. Gilliam,

This letter is in response to the City of Fort Smith Pretreatment Program Audit / Municipal Pollution Prevention (P2) Assessment report received on November 23, 2015. The report listed "Required Actions", "Recommended POTW Actions" and "Required Program Modifications" resulting from the audit findings. The following responses and actions to these findings are listed below and are meant to meet each requirement and give an update on the status of each recommendation provided in the report.

**Findings**

**B) Summary of Findings with Required Actions**

1) *Under 40 CFR 403.8(f)(1)(B), "Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions: (3) Effluent limits...based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards..."*

a) *During GNB-Exide's file review it was discovered its permit had a TTO/TOMP (total toxic organics) sample/report or TOMP (toxic organic management plan) submittal clause (see Attch. A-1i). GNB/Exide falls under the Battery Manufacturing category under 40 CFR 461 which has no such TTO sampling or allowance of a TOMP in lieu of sampling requirement option.*

*Several other Federally regulated "categoricals" and their subprocesses have discrete lists of TTOs.*

*The City can be more restrictive than the federal regulations. However, the City must specifically identify and list the toxic organics it is concerned with for GNB/Exide to sample for, submit a TOMP in lieu of sampling or remove the clause.*

**Response:** GNB/Exide's current Wastewater Discharge Permit has been amended to remove the clause that called for TTO sampling/reporting or to submit a TOMP (toxic organic management plan). The City has also reviewed all other current CIU permits and made amendments as necessary in relation to the TTO/TOMP clause.

- b) *During GNB/Exide's file review it was discovered its production had decreased >20% from those used in its production based permit limits (see Attach. A-6b&c). The City must revise the facility's mass limits to reflect its current average production.*

**Response:** The City is currently working with GNB/Exide to obtain the most recent production numbers to extrapolate updated production based mass limits that reflect its current average production. The City plans to use the past three (3) years of production data and will update the rate annually. This will allow for a normalization of the data due to economic instabilities. The City is also reviewing all other productions based industries and updating their production based mass limits to reflect current average production.

- c) *During GNB-Exide's file review it was not clear which subprocesses were actually in use at the facility (see Attach. A-6 b&c's "subprocess" tables). The latest six (6) month report from GNB/Exide shows their limits didn't match what this office calculated (Attach. A-6b). The City must verify which subprocess are in use and apply the "building block" approach in determining this facility's most accurate mass permit limits.*

**Response:** The City is currently working with GNB-Exide to identify the currently used subprocesses, in order to correctly calculate production based mass limits for the industry. The City will also be confirming that the subprocesses and production numbers provided by applicable industries are correct and current with an "eyes-on" approach. During the annual inspection, the inspector will review on-site documentation for subprocesses being used, and recent production numbers.

- 2) *Under 40 CFR 403.8(f)(2)(v), "[The City shall] Randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by the Industrial Users, occasionally and continuing noncompliance with Pretreatment Standards..."*

*It was discovered during the file review that production numbers were not being verified during industry inspections. The City must verify production numbers from its production based industries and from each of their subparts.*

*This may take some understanding from the industry representatives because many such type facilities track their production electronically "from the floor" and may not feel comfortable with the City representative looking over his/her shoulder viewing production numbers being received from various work stations.*

**Response:** The City of Fort Smith is currently working with production based industries to obtain current production based mass limits. The City of Fort Smith is also requiring the industries to provide us with "real-time" data that allows an "eyes-on" approach to verify that the subprocesses being used, as well as the production numbers reported are correct and current.

- C. *Recommended POTW Actions for Improved Implementation or Enforcement of the Pretreatment and Pollution Prevention Programs*

- 1) *STRONG recommendation to beef up each permitted industry's fact sheet (or section). Attachment A-3 shows a typical "fact sheet". Permit limit basis should be included as well as "start-up" date to help ensure the facility is subject to pretreatment standards for a new source of existing one.*

*This office feels the fact sheet/section should also include the facility's comprehensive narrative process narrative from raw material in to finished product out including a similar narrative*

*“process” description for its treatment system. A comprehensive wastewater flow schematic with flow directional arrows should be included matching up to the process narrative. Once the process narrative and wastewater flow schematics are updated (including revision date), the City’s inspections can merely reference them, “process narrative/wastewater flow schematic in IU’s file” (or words to that affect).*

*Categorical industries are required to submit the narrative process description and the wastewater flow schematic. It’s recommended to send them the City’s current documents requiring the facilities to revise/update/correct as necessary and submit (with revision date). Raw material should be listed, not just the basis substrate, but all chemicals used in all of its processes.*

*The slug potential evaluations should be included along with the IU’s slug control plan (if necessary).*

*Metal Finisher’s TOMP’s should also be included (with last revision date).*

**Response:** The City will update all fact sheets to include a comprehensive narrative of process and treatment systems. As recommended, the new fact sheets will contain the appropriate process and treatment flow schematics that match what is described in the process and treatment narratives and the City update its Industrial Audit/Inspection Form to obtain a more comprehensive raw materials list, and also to provide annual written evaluation of an industries slug potential and slug control practices. The City will also include TOMP’s and their revision dates for the applicable Metal Finishers on their fact sheets. The City is in the process of obtaining the required information from each industry and plans to have the new fact sheets completed by the end of 2016.

2) *It’s recommendation to include in all permits the description of the sampling point as footages from a fixed point of reference.*

**Response:** The City has updated sampling points with footages from a fixed reference point, in addition to GPS coordinates and a general description of the outfall for all permitted industrial users.

3) *Recommended placing sample frequency, the type of samples (grab, time- or flow proportioned-composite) and the process flow requirement (“report only”) on the same page as the IUs’ permit limits.*

**Response:** The City will include the sample frequency, the type of samples (grab, time- or flow proportioned-composite) and the process flow requirement (“report only”) on the same page as the IUs’ permit limits with new permits as they are issued going forward. Below is an example of the new table that will be used in all future permits.

Parameter	Discharge Limits			Monitoring Requirements	
	Mass (lbs/day)	Concentration (mg/L, unless otherwise specified)		Frequency	Sample Type
		Daily Max	Monthly Average		
Flow	N/A	Report, MGD	Report, MGD	Once/Day	Totalizing Meter
Biochemical Oxygen Demand (BOD5)	180	450	N/A	Once/Month	Composite
Total Suspended Solids (TSS)	180	430	N/A	Once/Month	Composite
Ammonia Nitrogen (NH3-N)	N/A	Monitor & Report	Monitor & Report	Once/Month	Composite
Fats, Oil, & Grease (FOG)	N/A	150	N/A	Once/Month	Grab
pH	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 11.0 s.u.	Once/Month	Grab

- 4) *Recommend modifying UI applications and IU surveys to include questions about pollution prevention (P2), source reduction, waste minimization, “just-in-time inventory”, environmental management systems, etc. ongoing or planned.*

**Response:** The City of Fort Smith will include pollution prevention sections on permit applications and as a part of the audit/inspection form to assess P2 practices being performed.

- 5) *Recommend sending the hazardous waste notification requirement per 40 CFR 403.12(p) to all the hazardous waste generators on ADEQ’s list (provided during the audit). It is realized this is a one-time notification requirement in CFR 403, but these generators seem to be very mobile moving into and out of different cities frequently. Health care facilities should be identified and also be sent the notification requirement in light of the newly proposed Healthcare Hazardous Waste Management Rule.*

**Response:** The City is currently mailing out hazardous waste notification requirements to all hazardous waste generators on ADEQ’s list that was provided during the audit. Additionally, the City is currently identifying all businesses containing the NAICS codes (44611, 54194, 6211, 6212, 6213, 6214, 6219, 622, 6231, 623311, 92219) that were provided by Mr. Gilliam on October 15, 2015. Upon promulgation of the Healthcare Hazardous Waste Management Rule, the City will issue the hazardous waste notifications to the healthcare facilities.

- 6) *Recommend beefing up current inspections with more narrative regarding the physical/visual evaluation of the facility’s general O&M, housekeeping, safety of walkways, process/pretreatment equipment, plumbing, pumps, motors and any other appurtenances (rusting/leaking/weld or tank cracks/excessive vibration, “caked-up” chemicals, concrete floor “etching” etc.). Chemical and hazardous waste storage (bermed, floor sloped to a collection sump, etc.) and handling procedures should be discussed (barrel dollies, fork lifts, overhead piping, hand carried buckets, etc.). In other words, how do virgin chemicals received at the loading dock end up at their individual work stations?*

*The City inspector's printed and signed name as well as the IU representative's with the date of the inspection should also appear on the report.*

*If the fact sheets' recommendations above are completed, many questions on the inspection report can just cite, "on file with the City".*

**Response:** The City will include more narrative and written comment on the physical/visual evaluation of the facilities practices and appurtenances, and evaluate how hazardous waste and chemical storage and handling is performed at the facility. The City will ensure that all reports are dated and signed by the IU representative and the inspector. As stated previously, action of the fact sheet recommendation is already underway.

7) *Recommend sending fliers regarding proper disposal of pharmaceuticals, non-dispersibles and grease to the general public.*

**Response:** The City is currently taking this recommendation under advisement. The City is currently developing public education programs to help deal with disposal of pharmaceuticals, non-dispersibles. Under the current Consent Decree entered into with the EPA and DOJ, the City is required to develop a public education and outreach program as part of its FOG program.

D. *Required Program Modifications to the Approved Pretreatment Program Necessary to Bring the Program into Compliance with the Letter or Intent of the Current Regulatory Requirements*

*It's realized the City's most recent Pretreatment Ordinance is pending review and approval from ADEQ and its technically based local limits' (TBLLs) evaluation submittal has been approved (see email dated 9/23/15).*

*A narrative explaining the basis for the maximum allowable industrial loadings (MAILs), graphs or charts illustrating TBLLs aren't necessary and a notation that site specific data had been used in the evaluation should be included.*

*Submit all the most current forms the City uses as part of its Pretreatment Program (IU survey form(s), IU inspection form, IU permit application form, IU permit template example, etc.).*

**Response:** The City has received comments on its proposed Pretreatment Ordinance and is evaluating the comments to finalize the ordinance prior to publication for public comment and eventual passage.

The City will include the narrative explaining the TBLL process and justification for having or not having limits in the updated Pretreatment Program submitted to ADEQ for their approval once the new ordinance is passed.

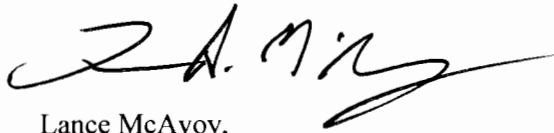
An example of the current forms used by the City's Pretreatment Program are included, however, these forms may be updated when the updated Pretreatment Program is submitted to ADEQ for their approval once the new ordinance is passed.

**Conclusion**

It is our hope that we have addressed all of the concerns mentioned in the report. The City is grateful for the time spent reviewing and making our program better.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "L. McAvoy", with a long, sweeping horizontal stroke extending to the right.

Lance McAvoy,  
Deputy Director of Operations

Attachments: