

From: Torrence, Rufus
Sent: Wednesday, December 19, 2012 8:23 AM
To: 'Mcavoy, Lance'
Cc: Floyd, Steve; Lor, Jay; Parke, Steve
Subject: AR0021750 AFIN 66-00226 City of Fort Smith Pretreatment Program Modification for Streamlining Updates

Lance,

The Department has completed the review of the City's program and it is acceptable for final approval pending the changes below. Please note that the Department corrected three typos in the notebook. Please correct these typos in the City's notebook, too:

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Section 3 Organization, Staffing and Funding 22

Page 27 paragraph d)

POTWs may develop Best Management Practices (BMPs) to implement paragraphs b) and c) of this section. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of this part and section 307(d) of the Act [40 CFR 403.5(c)(4).

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Instances of SNC are industrial user violations that meet one or more of the following criteria

(From ~~40 CFR Part 403.8~~

~~(f)(2)(vii)~~ 40 CFR Part 403.8(f)(2)(viii);

Comment [TR1]: Streamling Update

Recently, the Department emailed the City recommended TBLL language for the pretreatment ordinance. For the City's convenience, the language is shown again below (you may have to edit it a little to make it applicable to your program):

Local Limits

To protect against pass through and interference, no Industrial User may discharge or cause to be discharged into the POTW any wastewater pollutant concentration exceeding the Technically Based Local Limits (TBLLs) developed from time to time by the Utilities Director of City of _____ Utilities as required by Part III in City of _____ NPDES permits No. AR00 _____, authorized by 40 CFR 403.5 (c) and approved by the Approval Authority. TBLLs based on calculated Maximum Allowable Industrial Loadings are located in the City's Pretreatment Program, Section _____. At the discretion of the Utilities Director, TBLLs may be imposed and shall apply at the "monitoring point" described in the individual industrial wastewater discharge permits. All concentration limits for metals shall be in terms of "total" metals unless otherwise indicated. At the discretion of the Utilities Director, mass limitations may be imposed in addition to or in place of concentration based TBLLs. The Utilities Director may also develop

BMPs in individual wastewater discharge permits, to implement specific pollutant limitations. Such BMPs shall be considered Local Limits and Pretreatment Standards. When new Local Limits are implemented or revised, the Utilities Director will provide individual notice to parties who have requested such notice and an opportunity to respond, as set forth by 40 CFR 403.5 (c) (3). This requirement of notice also applies when Local Limits are set on a case-by-case basis.

The Department recommends that the City updates Section 25-209(c) in the pretreatment ordinance now for two reasons:

1. The language above is intended to circumvent the requirement to update local limits in the ordinance each time the City calculates new MAHLs. Consequently, the City can calculate new MAHLs as many times as necessary without having to update the ordinance again.
2. If the Department approves the IPP program narrative with the current ordinance, the pretreatment program and the NPDES permit will have to be modified again later if the City amends the ordinance. If the City updates the ordinance now with the language above, the pretreatment program and NPDES permit will not have to be modified again to change the MAHLs (or even to retain the current BOD and TSS limits).

The intent is to make the TBLL development independent of the program narrative and pretreatment ordinance. Some cities have two notebooks (one notebook for the narrative and a second notebook for the current TBLL development).

Please reply with the City's decision on the ordinance and confirmation on correction of typos when the City submits the Attorney's letter by December 21, 2012.

Rufus

From: Mcavoy, Lance [<mailto:LanceM@FortSmithAR.gov>]
Sent: Tuesday, December 18, 2012 1:57 PM
To: Torrence, Rufus
Cc: Floyd, Steve; Lor, Jay; Parke, Steve
Subject: RE: AR0021750 City of Fort Smith Pretreatment Program Modification for Streamlining Updates

Rufus,

Until the current pretreatment program is completely accepted/approved, no action will be taken. Once we are in good standing with our program, several steps will need to be accomplished prior to any additional actions being taken.

First, a TBLL study will need to be conducted. As we have discussed, once our program is approved, we will hire Curt McCormick to conduct the TBLL study. After the study is completed, we will submit it to you for your review, comments, etc. Next we would look at updating our ordinance and only then would we be able to (if warranted) remove the BOD & TSS limits. After our ordinance is approved and

put into law, we would need to then again update the narrative and seek final approval for the updated program.

As you know this process will involve your input along the way. So, as to when it will happen I can't give a definite answer.

Please let me know if you have any additional questions.

Lance A. McAvoy,
Environmental Manager
Fort Smith Utility
Environmental Quality

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From: Torrence, Rufus [<mailto:TORRENCE@adeq.state.ar.us>]
Sent: Monday, December 17, 2012 10:14 AM
To: Mcavoy, Lance
Subject: RE: AR0021750 City of Fort Smith Pretreatment Program Modification for Streamlining Updates

Lance,

Do you still plan to remove the BOD & TSS limits from the ordinance? If you still plan to do this, when will the new ordinance be enacted?

Rufus

From: Mcavoy, Lance [<mailto:LanceM@FortSmithAR.gov>]
Sent: Thursday, December 13, 2012 2:33 PM
To: Torrence, Rufus
Cc: Lor, Jay; Floyd, Steve
Subject: AR0021750 City of Fort Smith Pretreatment Program Modification for Streamlining Updates

Mr. Torrence,

Attached are an electronic copies (Word and PDF) of the City of Fort Smith Pretreatment Program Modification for Streamlining Updates. A hard copy will be delivered to your office on Friday, December 14, 2012, via FedEx. I have incorporated your suggestions and requirements and we are please to present this document to you.

As per our discussion, the attorney letter will be to you next week. We have contacted his office and asked them to make it a top priority for him.

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

Thank you for your help and patience in this process.

Lance A. McAvoy,
Environmental Manager
Fort Smith Utility
Environmental Quality
3900 Kelley Hwy
Fort Smith, AR 72904
479-784-2337
LMcAvoy@FortSmithAR.gov

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