

Gilliam, Allen

To: Carmela Simmons (csimmons@DEFIANCEMETAL.com)
Subject: AR0022381_Defiance Metal Products (ARP001047) Nov 2011 semi annual pretreatment report reply_20111122

From: Gilliam, Allen [<mailto:GILLIAM@adeq.state.ar.us>]

Sent: Monday, November 28, 2011 9:46 AM

To: Carmela Simmons

Cc: 'hswd@sbcglobal.net'

Subject: AR0022381_Defiance Metal Products (ARP001047) Nov 2011 semi annual pretreatment report reply_20111122

Carmela,

Your November 2011 Semi-Annual Pretreatment Report was electronically received, reviewed and deemed compliant with the specific Metal Finishing Standards in 40 CFR 433.17. It is not necessary to send it once again via the USPS.

ADEQ cannot state the report was compliant with the Federal Pretreatment Regulations in 40 CFR 403 because this office has no record indicating Ray Miller is Defiance Metal Product's signatory authority. Please identify the appropriate signatory authority per the below requirements and submit the proper paperwork (electronically if desired) as an addendum to your semi-annual report within 30 days of receipt of this e-mail.

"According to **40 CFR 403.12 (I)** Signatory requirements for Industrial User reports. The reports required by paragraphs (b), (d), and (e)[semi-annual reports] of this section shall include the certification statement as set forth in §403.6(a)(2)(ii), and shall be signed as follows:

(1) By a responsible corporate officer, if the Industrial User submitting the reports required by paragraphs (b), (d), and (e) of this section is a corporation. For the purpose of this paragraph, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or

(ii) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) By a general partner or proprietor if the Industrial User submitting the reports required by paragraphs (b), (d), and (e) of this section is a partnership, or sole proprietorship respectively.

(3) By a duly authorized representative of the individual designated in paragraph (I)(1) or (I)(2) of this section if:

(i) The authorization is made in writing by the individual described in paragraph (I)(1) or (I)(2);

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) the written authorization is submitted to the [ADEQ].

(4) If an authorization under paragraph **(1)(3)** of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (1)(3) of this section must be submitted to the [ADEQ] prior to or together with any reports to be signed by an authorized representative.”

Side notes:

- 1) Under 40 CFR 136, pH analysis effectively has no holding time (15 minutes, maximum). Therefore, the pH analysis done by Arkansas Testing Labs (ATL) almost a full day after the wastewater was sampled is null and void. Your own pH measurements should be reported as long as they are properly calibrated;
- 2) ATL’s chain of custody is not complete and would be considered “broken”;
 - a. This office cannot tell who took the samples (initialed by “C.S.” Was that you? [sampler’s name should be printed and legible);
 - b. The chain of custody did not identify who the sample was received by from the sampler. It only shows an illegible signature of who relinquished it to UPS, then received by an ATL representative (Jennifer Bradford?);
 - c. Broken chains of custody analytical results may not be admissible in a court of law; and
- 3) Analyzing for the total toxic organics (TTO) under **40 CFR 433.12** is NOT required as your predecessor submitted a toxic organic management plan (TOMP) on 6/29/09 to satisfy **(a)** “In lieu of requiring monitoring for TTO, [ADEQ] may allow [Defiance Metal Products] to make the following certification statement: “Based on my inquiry of the person or persons directly responsible for managing compliance with the...or pretreatment standard for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to [ADEQ]” which Ray did in your semi-annual report on page 2. Analyzing for the volatiles, pesticides, semi-volatiles, base neutrals/acid extractables is no longer required.

Thank you for the timely report indicated compliance with the Metal Finishing Standards. If you have any questions or concerns please feel free to contact this office.

Sincerely,

Allen Gilliam
ADEQ State Pretreatment Coordinator
501.682.0625

cc: [Donald Knight/General Manager/Heber Springs Wastewater Treatment Plant](#)

From: Carmela Simmons [<mailto:csimmons@DEFIANCEMETAL.com>]

Sent: Tuesday, November 22, 2011 12:12 PM

To: Gilliam, Allen

Subject: FW: Attached Image

Allen-

I am attaching our semi-annual wastewater report. I will also send in the mail if you wish.

Carmela Simmons

Project /Safety Engineer

Phone: (501) 887 4756

Fax: (501) 362-2214

email: csimmons@defiancemetal.com