

Gage, Hannah

From: Gilliam, Allen
Sent: Monday, October 03, 2016 11:13 AM
To: 'Vincent Miles'
Cc: Ken Johnson; Stacy Carpenter; Gage, Hannah; Yates, Adam; McWilliams, Carrie; Leamons, Bryan
Subject: AR0033316_Pine Bluff May 2016 Audit findings response from City_20161003
Attachments: PBWU Pretreatment Audit Report 2016.pdf

Vincent,

Your response to this office's May 2016 Audit findings and recommendations was electronically received, reviewed and deemed acceptable with one caveat.

Recommendation #6 regarding enforcement language in you industries' (IU) permits should not be taken lightly as you've indicated, "The City will take under advisement and give consideration to the recommendation."

An outside inspector/auditor could interpret your limited IU permit enforcement action for "...[failure] to comply with any provision of this permit shall be guilty of a misdemeanor...[and] shall be fined \$1,000 dollars per day per violation or be imprisoned for not than one (1) year or both" as your sole enforcement options.

It's strongly advised you follow through with revised language changes and not just "take under advisement and give consideration to the recommendation".

Thank you for your response.

Sincerely,

Allen Gilliam
ADEQ State Pretreatment Coordinator
501.682.0625

E/NPDES/NPDES/Pretreatment/Reports

From: Vincent Miles [<mailto:Vincent@pbwastewater.com>]
Sent: Wednesday, September 28, 2016 3:34 PM
To: Gilliam, Allen
Cc: Ken Johnson; Stacy Carpenter
Subject: Emailing - PBWU Pretreatment Audit Report 2016.pdf

Allen,

I am emailing you the response to our Pretreatment Program Audit for the City of Pine Bluff (NPDES #AR0033316). Please confirm the receipt of this email so I will feel comfortable that we met our deadline. If you should have any questions or concerns, please feel free to contact me.

PINE BLUFF WASTEWATER UTILITY

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September 23, 2016

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

RE: City of Pine Bluff (NPDES #AR0033316) Pretreatment Program Audit/Municipal Pollution Prevention (P2) Assessment

Dear Mr. Gilliam:

This letter serves as a response to the finished report for the audit/assessment conducted May 24th – May 26th, 2016. We appreciate the recommendations and we are working toward implementing any actions necessary for improvement of the Pretreatment and Pollution Prevention Programs. Below are our responses to the report, which is divided into three sections.

Section – B Summary of findings with required actions

1. The City must conduct an industrial user/business survey to all non-domestic wastewater dischargers and create an index or compilation from each survey's pertinent information.

The City will conduct an industrial user/business survey to all non-domestic wastewater dischargers and create an index or compilation from each survey's pertinent information. The Alliance has a list that the City will use to conduct the industrial user/business survey. This information shall be made available to [ADEQ] upon request.

2. During the file review it was discovered Kiswire's TTO limit had not been adjusted using the CWF to reflect an alternative concentration limit. This TTO limit must be revised using the same dilution factor used for the IU's other Metal Finishing Standards.

The City will revise the TTO limit for Kiswire using the same dilution factor used for the IU's other Metal Finishing Standards.

- 3.(a) It was discovered during the file review Kiswire's Metal Finishing permit limits were based on Pretreatment Standard for existing source. Kiswire is a new source (and is even noted as such on the footnote on Attch. A-2c), but included Cd (alternative) existing source limit (see Attch. A-4d). The Cd limit must be revised to reflect the new source standard (using the existing dilution factor).

The City will revise the Cd limit to reflect the new source standard (using the existing dilution Factor) for Kiswire.

- 3.(b) The City must define the toxic organics of concern being discharged from Aramark (and its other Non-categorical IU's, develop technically based local limits for them before implementing a Blanket "unknown" TTO limits; or completely remove the TTO limit in its non-categorical IU permits.

The City will completely remove the TTO limit in its non-categorical IU permits.

4. During the file review, all Metal Finishers had submitted some form of a TOMP. No documentation from the City to its Metal Finishers approving their TOMPs could be produced. Without documentation of approvable TOMPs from the City to its Metal Finishers, the City must Conduct two (2) scans/year (one/six month period) instead of just one/year as their permits require because the City conducts all the monitoring for its industries.

The City will work toward receiving approvable TOMPs from its Metal Finishers in lieu of requiring monitoring for TTO scans two (2)/year.

5. The City must have TBLLs established before they can implement and enforce them in their non-Categorical IU's permits. If the non-conventional pollutants are of concern to the City, a "Report Only" clause may be used, but not a limit that has no technical basis and not legally defensible.

The conventional parameters (BODs, TSS, and O&G) "limits" should be renamed "Surcharge Levels" as they too are not TBLLs, but as foot noted in the permit. "Values are surcharged in accordance with Local Sewer Use Ordinance 6146 [should be changed to 6381] if the values exceed the ~~limitations~~ [levels] noted in the permit."

The City will establish performance based limits for the non-categorical IU's permits based on its History of discharging pollutants.

The City will rename the Conventional Parameters (BOD, TSS, and O&G) "limits to" Surcharge Levels" because they are not TBLLs.

6. During the checklist review, it was not evident the City has notified its hazardous waste generators of this reporting requirement since 1991. With frequent movement of hazardous waste generating companies throughout the State, the City must notify these IUs/business of their reporting requirements.

The City will use the most current ADEQ generated hazardous waste generators list provided during the audit to send their notification requirements to facilities that generate acute Hazardous waste.

7. The City must evaluate/document and DATE each of its SIUs for the potential of a slug discharge of a toxic pollutants.

The City will evaluate/document and DATE each of its SIUs for the potential of a slug discharge of toxic pollutants.

8. During the file review, it was discovered the definition of significant non-compliance in the City's IU permits was not current with the Pretreatment Regulations.

The City will review its IU permits and revise its definition of significant non-compliance to be current with the Pretreatment Regulations.

Section – C Recommended POTW actions for improved implementation of the pretreatment and Pollution prevention programs.

1. Strongly recommend revising and dating existing fact sheet(s) in each IU file updating/including pertinent information such as: existing permit's effective/expiration dates, comprehensive narrative of all process/manufacturing operations, comprehensive wastewater flow schematics with directional arrows of flow to the sampling point clearly marked, basis for permit limits, facility's authorized representative, main IU representative's contact information, monitoring frequency, parameters monitored for, picture of actual sampling point, chronological history (start-up date, compliance history, e.g.) and Pollution activities.

The City will revise its existing fact sheets to provide information necessary to develop permits and conduct a comprehensive IU inspection.

2. Strongly recommend the City send its Metal Finishers the EPA's guidance manual "hotlink" for implementing Total Toxic Organics (TTO) @ Guidance Manual for Implementing Total Toxic Organics (TTO) Pretreatment Standards (PDF) asking them to consider submitting an approvable toxic organic management plan (TOMP).

The City will send its Metal Finishers the aforementioned "hot link" asking them to consider submitting an approvable Toxic Organic Management Plan (TOMP).

3. Recommend including in the City's Pretreatment Program standard operating procedures for the day-to-day activities of the City Pretreatment Coordinator (sampling, inspections, paperwork processing/storage, e.g.).

The City will consider the recommendation to train personnel new to the program.

4. Strongly recommend revising the City's current IU inspection form.

The City agree that the current IU inspection should be revised. The City will take recommendation as suggested.

5. Recognizing the City conducts all monitoring for its IUs, it's strongly recommended the City notify any of its permitted IUs within 24 hours of becoming aware of a permit limit violation.

The City will make a strong effort to notify the IUs within 24 hours of becoming aware of a permit violation. This notification may be a telephone call, email, or fax.

6. Strongly advise the City revise its IUs' permit language dealing with "Penalties". It appears from that language any IU who has failed to comply with any provision of the permit..."shall be guilty of a misdemeanor..."

The City will take under advisement and give consideration to the recommendation.

7. Recommend incorporating the above P2 questions on all permit applications requiring the City's IUs to submit their P2 activities and success stories in chronological order.

The City may revise its permit application to include P2 questions as suggested.

8. Recommend sending out fliers or submitting public service notices to the City's local newspaper regarding proper disposal of pharmaceuticals, grease, and non-dispersibles (wet wipes, e.g.).

The City appreciates the recommendation of sending out fliers or submitting public service notices to the City's local newspaper regarding the proper disposal of above pollutants. The City will work toward this recommendation.

9. Recommend stamping received date initializing ALL correspondence sent in by any non-domestic user.

The City agrees that this recommendation may be necessary for future enforcement actions if necessary.

10. Recommend including a more descriptive location of each IUs sampling point in their permit.

The City will take under advisement of including a more descriptive location of each IUs sampling point in their permit.

11. Recommend including in each IU permit the bypass provisions found in 40 CFR 403.17.

The City will review its IU permit to verify the inclusion of the bypass provisions found in 40 CFR 403.17.

Section – D Required program modifications to the approved pretreatment program necessary to bring to bring the program into the compliance with the letter or intent of the current regulatory requirements.

1. The City's Program section dealing with technically based local limits (TBLLs) must be expanded to include more narrative explaining how it has demonstrated TBLLs are not necessary per 40 CFR 403.8 (f) (4).

The City will work toward expanding to include more narrative explaining how it has demonstrated TBLLs are not necessary. We will include the maximum allowable industrial loadings (MAIL) spreadsheets sent to us by Rufus Torrence in our TBLL Development Section. We hope to show graphically and with charts that TBLLs are not necessary.

2. Include in the City's Pretreatment Program's Enforcement Response Plan's Enforcement Response Guide a series of enforcement options for violations of Best Management Practices (BMPs).

The City will include a series of enforcement options for violations of Best Management Practices (BMPs) in our ERP.

If you have any questions concerning this response or need additional information, please contact me at (870) 535-0821.

Sincerely,



Vincent Miles
Environmental Compliance Supervisor

Cc: Ken Johnson, Manager
Stacy Carpenter, Lab Supervisor