



City of Hot Springs  
Municipal Utilities  
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Hot Springs, AR 71902  
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October 18, 2011

Arkansas Department of Environmental Quality  
Attn: Rufus Torrence  
5301 Northshore Drive  
Little Rock, AR 72118-5317

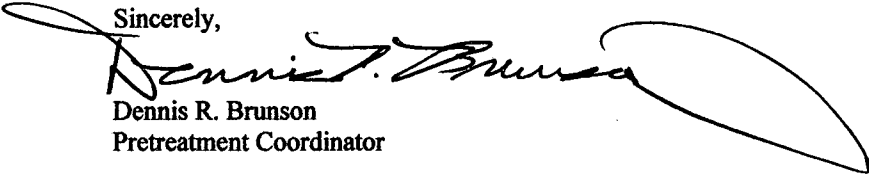
Re: 2011 Pretreatment Program Audit Review

Dear Mr. Torrence,

Please find enclosed the response to the required actions and recommendations concerning our pretreatment program assessment.

If you have any questions, comments and/or need additional information, please let me know.

Sincerely,

  
Dennis R. Brunson  
Pretreatment Coordinator

Enclosure

C: Ron Wacaster, Facilities Operations Manager  
Larry Merriman, Utilities Project Manager  
Richard Penn, Utilities Director  
Steve Mallett, Deputy City Manager

I, Debe Johnson

Manager, of The Sentinel-Record a newspaper of general circulation published, and

having bonafide circulation in Hot Springs, Garland County, Arkansas, hereby certify that the legal notice hereto attached was published in said newspaper for 1 consecutive insertions and that the

ORDINANCE NO. 5837  
AN ORDINANCE AMENDING THE INDUSTRIAL WASTEWATER PRETREATMENT CODE (ORDINANCE NO. 4577, ORDINANCE NO. 4725 AND ORDINANCE NO. 5830).

WHEREAS, Ordinance No. 4577 (as amended by Ordinance No. 4725 and Ordinance No. 5830) adopting an Industrial Wastewater Pretreatment Code (codified at H.S.C. 9-3-41, et seq) should be repealed, and a new Industrial Wastewater Pretreatment Code should be adopted.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Hot Springs, Arkansas, as follows:

SECTION 1. The attached Hot Springs Industrial Wastewater Pretreatment Code is hereby adopted.

SECTION 2. This Ordinance shall be codified in the Code of Ordinances and the sections may be renumbered or relettered to accomplish such intention.

PASSED: 9/6/2011

APPROVED: Ruth Carney  
Mayor

ATTEST: Lance Spicer  
City Clerk

APPROVED AS TO LEGAL FORM:  
Brian W. Albright  
City Attorney

First insertion was on the 13th Day of September A.D. 2011

Second insertion was \_\_\_\_\_ Day of \_\_\_\_\_ A.D. \_\_\_\_\_

Third insertion was \_\_\_\_\_ Day of \_\_\_\_\_ A.D. \_\_\_\_\_

Fourth insertion was \_\_\_\_\_ Day of \_\_\_\_\_ A.D. \_\_\_\_\_

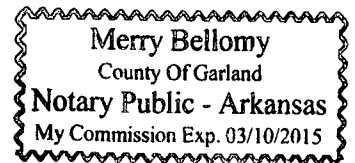
Fifth insertion was \_\_\_\_\_ Day of \_\_\_\_\_ A.D. \_\_\_\_\_

And the last insertion was on the 13th Day of September A.D. 2011

\_\_\_\_\_  
Manager

scribed before me on this 15th day of September A.D. 2011

Merry Bellomy  
Notary Public



## 2011 PRETREATMENT AUDIT

### FINDINGS WITH REQUIRED ACTIONS

#### 1. FINDINGS:

Under 40 CFR 403.4, the City cannot have any local regulations (ordinance/code) that are "less stringent than any set forth in the National Pretreatment Standards, or any other requirements or prohibitions established under the Act".

#### RESPONSE:

On September 6, 2011, the City of Hot Springs Board of Directors passed ordinance 5837, amending the industrial pretreatment code ordinance 4577 to reflect the required 40 CFR 403.4 streamlining rules changes.

#### 2. FINDINGS:

Under 40 CFR 403.5 (c)(1), "Each POTW developing a POTW Pretreatment Program shall develop and enforce specific limits. Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits".

#### REPSONSE:

The City hired Garver Engineering Firm to do a study and develop local limits for the City's POTW. In conjunction with the required streamlining revisions to City's ordinance, a narrative was also added in place of numerical local limits prior to passage by the City of Hot Springs Board of Directors. This enables the control authority to review the local limits periodically without having to prepare a request for board action.

### FINDINGS WITH RECOMMENDED ACTIONS

#### 1. FINDINGS:

The POTW is sampling a location at Triumph Airborne Structures that has a combine waste stream, The POTW should use the combined waste stream formula found in 40 CFR 403.6 (e) to adjust Triumph Airborne Structures' permit limits if the sanitary flow is less than 1% of the total waste stream.

#### RESPONSE:

The sanitary sewer flow is less than 1%. However, the control authority may require the industrial user to move the sampling location.

## 2. FINDINGS:

[Repeated Recommendation from 2004 Audit], The POTW is not requesting local SIUs to develop BMPs (Best Management Plans) for Pollution Prevention. It is recommended that the request be included in the permit application.

### RESPONSE:

The non categorical users are implementing some form of BMPs "Even though there is not a written plan" The categorical industries do implement some form BMPs by finding a market for their hazardous non hazardous waste to be used as a by-product. However, a formal request for BMPs will be included in the permit application.

## 3. FINDINGS:

40 CFR 403.12 (p) hazardous waste notification of each industrial user is required only once. It is recommended that the POTW should notify the industrial user on a regular basis as sometimes the industrial user may forget about notification.

### RESPONSE:

The permitted industries are aware of their status of being a hazardous waste generator through the permit application process and the annual inspection review. As part of City's protocol, the City's Planning and Development department notify all other departments of any new industry and commercial businesses relocating and/or building a facility. At that time, each department (including utilities) notifies the industry or business. However, the control authority may periodically request an updated hazardous waste generator list from ADEQ of any new industry and commercial businesses.

## 4. FINDINGS:

[Repeat Recommendation from 2004 Audit], Include a fact sheet in each IU file identifying pertinent information: processes/flows with schematics, basis for permit limits, rationale for being deemed SIU, IU contact, monitoring frequency, parameters monitored, etc.

### RESPONSE:

Since the local limit narrative and streamlining requirements are complete. Fact sheet development can be taken under consideration.

## 5. FINDINGS:

It is recommended, at a minimum, that the POTW recover cost from the industry for additional monitoring to investigate noncompliance.

RESPONSE:

The control authority is heavily considering instituting a recovery fee for all cost associated and/or incurred. That is currently being proposed by utilities personnel.

6. FINDINGS:

Send a copy of the reporting requirements located in 40 CFR 403.12 (p) & (j) to all hazardous waste generators shown on the ADEQ website:

RESPONSE:

"Please refer to response on 3. FINDINGS"

7. FINDINGS

In the 2010 annual report, the City is showing that all CIUs are submitting semi-annual reports as required by 40 CFR 403.12 (e). During files review, the auditor confirmed that the CIU are not submitting semi-annual reports. In accordance with 40 CFR 403.12 (g)(1), when the City collects all the information for these reports, the CIU are not required to submit them. The City must show the correct information in the annual report.

RESPONSE:

The control authority will make the necessary correction on the annual report.

8. FINDINGS

In conjunction with FINDINGS WITH REQUIRED ACTION #2, and the current plant expansion to increase the design flow from 12 MGD to 16 MGD, the City should consider determining MAHLs for conventional pollutants (BOD5, CBOD5, TSS, NH3-N, etc.).

RESPONSE:

Garver Engineering Firm has conducted and completed a study of the POTW nutrient loading. Currently, the POTW MAHLs is deficient in some of the nutrient loading.

9. FINDINGS:

In accordance with 40 CFR 403.3 (v)(3), the control authority may at any time, on its own initiative, determine that St. Joseph Mercy Health Center, National Park Medical Center, Ryan's Family Steakhouse and Craighead Cleaners (Kleen Linen) as SIUs are actually Non-SICs. Non-SICS are not subject to oversight by the approval authority (ADEQ).

RESPONSE:

The auditor explained during the review that the control authority still has the authority in its code ordinance to issue permits, enforce and fine these types of industry. The auditor explained that as a permitted non significant industrial user, ADEQ will not have oversight these industries. The control authority will consider this recommendation.

10. FINDINGS:

Correct typo (receiving waters water quality standards) in Section 1-A(g) in each SIU permit.

RESPONSE:

The control authority will correct the typo error.

11. FINDINGS:

Since Alliance Rubber is not a CIU, the City should replace all 'technology-transfer limits with applicable local limits. Applicable local limits control only specific pollutants which are reasonably expected to be in the IU's discharge. The City should place in Alliance Rubber's permit a limit for only Zinc since it is the only metal reasonably expected to be in this IU's discharge.

RESPONSE:

Prior to the recent headworks study and pretreatment ordinance change, the local limits were questionable after a study was conducted in 1994. Now that the local limits narrative and streamlining rules are in the ordinance now, the industry's permit will be reviewed for new limits.

12. FINDINGS:

The City should revise the industrial monitoring schedule to show all industries subject to sampling requirements. The new schedule should show dates of forecasted samplings and also the actual dates of sampling.

RESPONSE:

The control authority will upgrade the industrial monitoring schedule to reflect that all sampling protocol is satisfied and that no industry has been overlooked.

13. FINDINGS:

In accordance with 40 CFR 403.12(g)(6), the City should remove or revise paragraph in Section 3-C of Hot Springs Packing's discharge permit. The City must require every SIU, which samples and analyze its wastewater for regulated pollutants using 40 CFR 136 methods.

RESPONSE:

The control authority will remove that condition from the permit. The industry does have written BMPs in place for their cleanup operation.

14. FINDINGS:

The industries' permits do not cite the City's legal authority to impose penalties. The City should add this language to Section 6. "In accordance with Hot Springs Codes, the City has the authority to impose administrative fines [9-3-51.6], civil penalties [9-3-52.2] and criminal penalties".

RESPONSE:

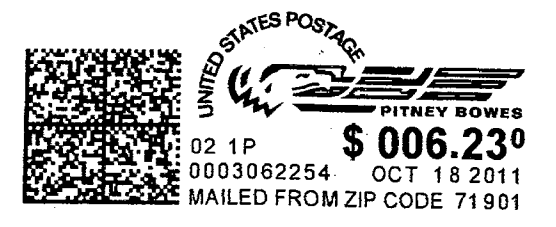
The control authority will add this language to the permit as per stated in the pretreatment code ordinance.

CERTIFIED MAIL™

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